

AGENDA REPORT

DATE: April 21, 2008
TO: Honorable Mayor and City Council
THRU: David Carmany, City Manager
FROM: Lee Whittenberg, Director of Development Services
Quinn Barrow, City Attorney
SUBJECT: **ADOPTION OF 2008 SUBDIVISION CODE – SECOND
READING OF ORDINANCE 1567 AND ADOPTION**

SUMMARY OF REQUEST:

Conduct second reading and adopt Ordinance Number 1567.

BACKGROUND:

In conjunction with the preparation of the New Zoning Code the City has also updated the current Municipal Code provisions regarding mapped streets and subdivisions that are currently contained within Chapter 11.A, Mapped Streets, and Chapter 21, Subdivisions, respectively. Ordinance Number 1567 was introduced by the City Council on March 10, 2008.

This proposed Ordinance includes those provisions in a new Title 10, Subdivisions. The new Title 10 is formatted to be consistent with the current Titles 1 through 9 of the Seal Beach Municipal Code. In addition, the new Title 10 is consistent with and cross-references certain provisions of Title 11, Zoning.

Based on the recommendations of the Planning Commission regarding the insertion of the Title designator "11" in front of all Chapter, Section, Table, and Figure references, specific cross-references in Title 10 to Title 11 have been revised in accordance with the Commission recommendation. No additional revisions or corrections are required.

Title 10, Subdivisions, contains new provisions related to the following areas of concern:

- ☐ Chapter 10.15: Design and Improvement Requirements;
- ☐ Chapter 10.40: Streetscape; and
- ☐ Chapter 10.45: Block Structure.

AGENDA ITEM C

All of the other provisions of Title 10 include current provisions of both Chapter 11.A, Mapped Streets, and Chapter 21, Subdivisions, and are consistent with the requirements of the Subdivision Map Act of the State of California, Government Code Section 66410, *et. seq.*

FISCAL IMPACT:

No changes in fees currently in effect are proposed.

RECOMMENDATION:

Conduct second reading and adopt Ordinance Number 1567, An Ordinance of the City of Seal Beach Amending the Seal Beach Municipal Code by Deleting Chapter 11.A, Mapped Streets, and Chapter 21, Subdivisions, in their Entirety and Adopting a New Title 10, Subdivisions.

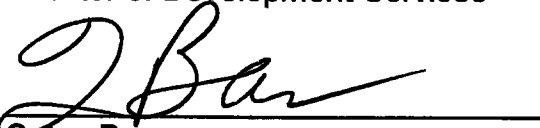
NOTED AND APPROVED:



Lee Whittenberg
Director of Development Services



David Carmany
City Manager



Quinn Barrow
City Attorney

Attachment 1: Ordinance Number 1567, An Ordinance of the City of Seal Beach Amending the Seal Beach Municipal Code by Deleting Chapter 11.A, Mapped Streets, and Chapter 21, Subdivisions, in their Entirety and Adopting a New Title 10, Subdivisions

ATTACHMENT 1

ORDINANCE NUMBER 1567

**AN ORDINANCE OF THE CITY OF SEAL BEACH
AMENDING THE SEAL BEACH MUNICIPAL CODE BY
DELETING CHAPTER 11.A, MAPPED STREETS, AND
CHAPTER 21, SUBDIVISIONS, IN THEIR ENTIRETY
AND ADOPTING A NEW TITLE 10, SUBDIVISIONS**

ORDINANCE NUMBER 1567

**AN ORDINANCE OF THE CITY OF SEAL BEACH AMENDING
THE SEAL BEACH MUNICIPAL CODE BY DELETING CHAPTER
11.A, MAPPED STREETS, AND CHAPTER 21, SUBDIVISIONS,
IN THEIR ENTIRETY AND ADOPTING A NEW TITLE 10,
SUBDIVISIONS**

THE CITY COUNCIL OF THE CITY OF SEAL BEACH DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1. The City Council hereby deletes Chapter 11.A, Mapped Streets, and Chapter 21, Subdivisions, in their entirety and adopts a new Title 10, Subdivisions, to read as shown in Attachment A.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part hereof. The City Council of the City of Seal Beach hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Seal Beach at a meeting thereof held on the 21st day of April, 2008.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF SEAL BEACH }

I, Linda Devine, City Clerk of the City of Seal Beach, California do hereby certify that the foregoing Ordinance was introduced for first reading at a meeting held on the 10th day of March, 2008 and was passed, approved and adopted by the City Council at a meeting held on the 21st day of April, 2008 by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

And do hereby further certify that Ordinance Number 1567 has been published pursuant to the Seal Beach City Charter and Resolution Number 2836.

City Clerk

TITLE 10: SUBDIVISIONS

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Chapter 10.05 Applicability and Administration of Subdivision Regulations

§ 10.05.005 Definitions.

A. **Subdivision Map Act Definitions Incorporated by Reference.** The definitions contained in Government Code §§ 66414-66424 and 66424.5 of the Subdivision Map Act ("Map Act"), and Title 11: *Zoning*, Chapter 11.6.05, *Terms and Definitions*, are hereby incorporated by this reference unless otherwise indicated herein.

B. **Parcel Map.** Subdivision map required pursuant to Section 10.10.005.B: *Parcel Map* for subdivisions of 4 or fewer parcels.

C. **Final Map; Tract Map.** Subdivision map required pursuant to Section 10.10.005.A: *Tentative Tract Map and Final Map* for subdivisions of 5 or more parcels.

§ 10.05.010 Applicable Law.

A. **Subdivision Approval Required.** No property in the City shall be subdivided unless the subdivider has complied with all applicable provisions of this Title and the Map Act. In the event of any conflict between the provisions of this Title, the Map Act, or other provisions of the Municipal Code, the most restrictive provisions shall control.

B. **Compliance with other Regulations Required.** City approval of a subdivision shall not authorize or be deemed to authorize: an exception or deviation from any zoning regulation; or development in violation of City ordinances or regulations.

§ 10.05.015 Administration and Advisory Agencies.

A. **City Officials.** The Director of Development Services ("Director") and City Engineer shall: administer and enforce the provisions of this Title and applicable provisions of the Map Act; recommend the kinds, nature and extent of improvements required to be installed in subdivisions; and recommend the imposition of reasonable conditions upon subdivision applications.

B. **Subdivision Technical Review Committee.** In addition to the determinations listed in Table 10.05.015.C: *Review Authority for Subdivision Determinations*, the Subdivision Technical Review Committee, consisting of the Director, the City Engineer and the Building Official, shall: investigate and report on the design and improvement of proposed parcel map subdivisions; prescribe

the kinds, nature and extent of improvements required to be installed in connection with parcel maps; and impose reasonable conditions thereon.

1. **Recommendations and Decisions.** Recommendations and decisions of the Committee pursuant to Table 10.05.015.C: *Review Authority for Subdivision Determinations* shall be determined at a public meeting of the Committee and all recommendations and decisions shall be provided in writing to other City advisory and approval bodies set forth in Table 10.05.015.C: *Review Authority for Subdivision Determinations* and the project applicant.

2. **Meetings Open to Public.** Subdivision Technical Review Committee meetings shall be open to the public, and any officer, person, subdivider, owner or interested person may attend such meeting and present any appropriate matters to the Committee

C. **Planning Commission.** In addition to the determinations listed in Table 10.05.015C: *Review Authority for Subdivision Determinations*, the Planning Commission shall: recommend to the Council the approval, conditional approval, or disapproval of requests for modification of the design and improvement standards of this Title pursuant to Section 10.10.010: *Exemptions*; recommend modifications of the requirements of this Title; and perform additional duties in compliance with this Title and applicable state law.

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**Table 10.05.015.C
Review Authority for Subdivision Determinations¹**

| Type of Decision | Role of Review Authority | | | |
|---------------------------------------|--------------------------|--|---------------------|--------------|
| | City Engineer | Subdivision Technical Review Committee | Planning Commission | City Council |
| Acceptance of Property Dedications | | | Recommend | Decision |
| Certificate of Compliance | Decision | | Appeal | Appeal |
| Conditional Certificate of Compliance | | Decision | Appeal | Appeal |
| Final Map | | | | Decision |
| Lot Line Adjustment | Decision | | Appeal | Appeal |
| Merger | Decision | | | Appeal |
| Parcel Map Waiver | | Recommend | Decision | Appeal |
| Tract Map - Final | | | | Decision |
| Tract Map - Tentative | | Recommend | Decision | Appeal |
| Tentative Map Time Extension | | Recommend | Decision | Appeal |
| Parcel Map - Final | Decision | | | Appeal |
| Parcel Map - Final with Dedications | | Recommend | | Decision |
| Parcel Map - Tentative | | Decision | Appeal | Appeal |
| Reversion to Acreage | | Recommend | | Decision |
| Exceptions | | Recommend | Recommend | Decision |

Notes: 1. The review authorities for various planning permits are set forth in Title 11, *Zoning*.

2. "Recommend" means that the body makes a recommendation to a higher body.
 "Decision" means that the body makes the final decision on the matter.
 "Appeal" means that the body considers appeals to the decision of an earlier decision-making body, in compliance with Title 1: *General Provisions*, Chapter 1.20: *Review of Quasi-Judicial Decisions*.

§ 10.05.020 Enforcement.

A. Notice of Violation. The City may take the actions described in Map Act § 66499.36 if property has been divided in violation of this Title or the Map Act.

B. Permit Issuance Prohibited. The City shall not issue any permit or certificate, or grant any approval to develop any property where the property was divided, or was created by a division, in violation of the provisions of this Title or the Map Act.

Chapter 10.10 Subdivision Map Approval Requirements

§ 10.10.005 Subdivision Approval Required.

A. **Tentative Tract Map and Final Map.** Each subdivider proposing to subdivide property into 5 or more parcels shall apply for Tentative Tract Map and Final Map approval, unless the property is exempt pursuant to Section 10.10.010: *Exemptions*.

B. **Parcel Map.** Each subdivider proposing to subdivide property into 4 or less parcels shall apply for Tentative Parcel Map and Parcel Map approval unless the property is exempt pursuant to Section 10.10.010: *Exemptions*, or the City has granted a waiver pursuant to Section 10.25.010: *Waiver of Parcel Map*.

§ 10.10.010 Exemptions.

No subdivision map is required for:

A. **Agricultural Leases.** Leases of agricultural land for the cultivation of food or fiber, or the grazing or pasturing of livestock.

B. **Cellular Antenna Facilities.** The leasing, licensing, granting of an easement or permit for a portion of a parcel, to a telephone corporation defined in Public Utilities Code § 234, exclusively for the placement and operation of cellular radio transmission facilities and equipment incidental to such facilities.

C. **Cemeteries.** Land dedicated for cemetery purposes.

D. **Commercial/Industrial Financing or Leases.**

1. The financing or leasing of spaces within non-residential buildings; existing separate non-residential buildings on a single parcel.

2. The financing or leasing of any parcel or portion of a parcel, in conjunction with the construction of non-residential buildings on the same site, if the Zoning Ordinance requires a Use Permit for the project.

E. **Condominium Conversions.** The conversion of: a community apartment project or a stock cooperative to condominiums, if the conversion satisfies the requirements of Map Act § 66412(g) or 66412(h); or certain mobile home parks to condominiums in compliance with Map Act § 66428(1).

F. **Lot Line Adjustments.** A Lot Line Adjustment processed in compliance with Chapter 10.35: *Lot Line Adjustments, Mergers, Certificates of Compliance and Reversions to Acreage*.

G. **Mineral Leases.** Mineral, oil or gas leases.

H. **Public Agency or Utility Conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way.

I. **Rail Right-of-Way Leases.** Short-Term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of the operating right-of-way of a railroad corporation as defined by Public Utilities Code § 230.

J. **Residential Financing or Leases.** The financing or leasing of apartments, or similar spaces within apartment buildings, mobile home parks or trailer parks; or residential second units created pursuant to Government Code §§ 65852.150 and 65852.2.

K. **Separate Assessments.** Any separate assessment under Revenue and Taxation Code § 2188.7.

L. **Wind Energy Conversion Systems (WECS).** The leasing of, or granting of an easement to a parcel or portion of a parcel in conjunction with the financing, installation, and sale or lease of a WECS, if the project is subject to discretionary action by the City

§ 10.10.015 Applications Deemed Approved.

Any subdivision application deemed approved pursuant to Government Code §§ 65956 or 66452 *et seq.* shall be subject to all applicable provisions of this Title, and no land use entitlement or building permit shall be issued until the subdivider satisfies all such regulations. Parcel or Final Maps filed for recordation after their Tentative Map is deemed approved shall remain subject to all the mandatory requirements of this Title and the Map Act, including Map Act §§ 66473, 66473.5 and 66474.

* * * * *

Chapter 10.15 Design and Improvement Requirements

§ 10.15.005 Design and Improvement Standards.

A. Required Improvements. Subdividers shall provide all improvements required by this Chapter and any additional improvements required by conditions of approval.

B. Applicable Design Standards, Timing of Installation. Subdividers shall construct all improvements according to standards approved by the City Engineer. No Final or Parcel Map shall be presented to the City for approval until the subdivider either completes the required improvements, or enters into an agreement with the City for the work.

C. Subdivision Improvement Standards: Conditions of Tentative Map Approval. The City shall list all improvement and dedication requirements as conditions of approval for each approved Tentative Map. The design, construction or installation of all subdivision improvements shall comply with the requirements of the City Engineer.

D. Extent of Improvements Required, 4 or Fewer Parcels. Improvements required for subdivisions of 4 or fewer parcels shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

E. Oversizing of Improvements. At the discretion of the City, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the City, in compliance with Map Act §§ 66485 *et seq.*

F. Exceptions.

1. Processing of Application. A subdivider may seek an exception by submitting an application and filing fee established by resolution. The application shall include a description of each standard for which an exception is requested and the basis for the request. A request may be filed concurrently with the Tentative Map application, or after the Tentative Map has been approved. The approval of an exception shall not constitute approval of the Tentative Map and shall not extend any time limits for the expiration of the map.

2. Council Action and Findings. The Council may approve, conditionally approve or deny a request for an exception, provided it makes all of the following findings:

a. The exception is not used to waive or modify any Map Act requirements;

b. There are exceptional or extraordinary circumstances or conditions, including size, shape, topography, location, or surroundings, that warrant the exception;

c. The exceptional or extraordinary circumstances or conditions are not due to any action of the subdivider;

d. The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district and denied to the proposed subdivision;

e. The exception will not be materially detrimental to the public welfare nor injurious to surrounding property or improvements; and

f. The exception will not render the subdivision inconsistent with the General Plan or any applicable Specific Plan.

3. In granting an exception, the Council shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts in compliance with CEQA.

§ 10.15.010 Access, Circulation, Streets.

A. General Access and Circulation Requirements. Subdividers shall provide a comprehensive street system, designed and constructed to provide adequate access from each new parcel to a City street in compliance with the City's improvement standards, the Zoning Ordinance and the Circulation Element of the General Plan.

1. Streets shall be designed for safe vehicular operation at a specified design speed.

2. Public streets shall be required if:

a. The proposed street is shown as an arterial or collector street in the Circulation Element of the General Plan or any specific or precise plan.

b. The proposed street will be used by the general public as a through access route.

c. Necessary for special needs including bus routes, public service access, bicycle routes and pedestrian access.

d. Necessary to assure fire safety.

3. Private streets may be allowed pursuant to Subsection F.

B. Alternative Standards. The City may consider and approve proposed access and street design solutions that differ from the provisions of this Section and the City's improvement standards where deemed necessary to properly address the characteristics of adjacent land uses and/or anticipated traffic volumes, or to maintain neighborhood character. The use of alternative standards may be authorized through the exception procedure in Section 10.15.005.F: *Exceptions*.

C. Access to Subdivision. The Subdivider shall provide access to a city street in:

1. The area of the subdivision abutting a City street, where the length of the subdivision along the street, the street right-of-way, and the width of the right-of-way will accommodate the construction of all required road improvements; or

2. The area of the subdivision being connected to a City street by a nonexclusive right-of-way easement for street, utility, and appurtenant drainage facilities purposes, where the easement is:

a. Offered for dedication;

b. Unencumbered by any senior rights that might serve to restrict its proposed use; and

c. Of a width and location to accommodate the construction of all improvements required by this Section, the City's improvement standards and conditions of approval.

D. Access to New Parcels. Subdividers shall design a proposed subdivision as follows:

1. **City Street Access.** Each lot shall be located on an existing City street or a new City street designed and improved in compliance with Subsection C, or to a private street if allowed by Subsection F.

2. **No Direct Access to State Highway or Major Arterial.** There shall be no direct access to a State highway or a Major Arterial. The subdivider shall dedicate reservation strips to the State or City, as appropriate, where required to control access over certain lot lines over the ends of street stubs.

3. **Frontage Roads.** The City may require the subdivider to dedicate and improve a service or frontage road separate from the arterial or highway for lots proposed to front on a major arterial or State highway.

4. **Alleys.** Proposed alleys shall be subject to the review and approval of the Planning Commission.

E. **Design and Improvement of Proposed Streets.** Proposed streets shall comply with the City's improvement standards and be located and designed as follows:

1. **Alignment, Intersections, Curves.** Streets shall be:
 - a. Consistent with the Circulation Element of the General Plan and the Zoning Code;
 - b. Aligned with existing adjacent streets by continuation of their centerlines, or by adjustments by curves; and
 - c. Located so that all streets intersect at an angle as near to 90 degrees as feasible. The centerline curve radii of all proposed streets shall be subject to approval by the City Engineer.
2. **Right-of-Way and Surfaced Width.** The width of the right-of-way and improved surface of streets shall be as provided by Chapter 10.40: *Streetscape*, except where other standards are approved by the Council.
3. **Corners.** All block corners and "T" alley intersections shall be rounded or cut off as approved by the City Engineer.
4. **Access to Unsubdivided Property.** The City may require that proposed streets be extended to the boundary of abutting vacant land designated by the General Plan for future subdivision and development to provide access to the future development.
5. **Improvements to Existing Streets.** The City may require dedication of additional right-of-way and/or improvements in and to existing streets that provide access to, pass through, or is contiguous with a proposed

subdivision, if it determines that the proposed subdivision will create the need for the improvements.

6. **Curbs and Sidewalks.** Subdividers shall construct concrete curbs and sidewalks upon all streets in compliance with the City's improvement standards and specifications unless specifically waived in the conditions of approval. The City has the discretion to designate the location of sidewalks.

F. **Private Streets.** The Planning Commission may approve private streets if it determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to adjoining properties and will not disrupt or prevent the establishment of an orderly circulation system in the vicinity of the subdivision. All private streets approved by the Commission shall be shown on the subdivision map.

1. **Maintenance Requirements.** An owners association or other organization shall maintain and own all private streets and right-of-ways, through a recorded instrument satisfactory to the City Engineer and City Attorney.

2. **Design and Improvement Standards.** Subdividers shall design and improve private streets in compliance with Subsections B and C.

3. **Security and Conditions.** The City may require any guarantees and conditions it deems necessary to carry out the provisions of this Title pertaining to private streets.

4. **Offer of Dedication.** The City may require that proposed private streets be subject to irrevocable offers of dedication to the City.

G. **Alternative Circulation Systems.** Subdividers shall provide rights-of-way for pedestrian paths, bikeways and multiple use trails consistent with the Circulation Element of the General Plan, other applicable General Plan provisions, or any specific or precise plan.

§ 10.15.015 Energy Conservation.

The subdivider shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities pursuant to Map Act § 66473.1.

§ 10.15.020 Fire Hydrants.

The subdivider shall install fire hydrants at locations required by the Orange County Fire Authority in accordance with applicable standards.

§ 10.15.025 Grading, Erosion and Sediment Control.

Subdividers shall incorporate appropriate erosion and sediment control measures as required by the City Engineer.

§ 10.15.030 Landscaping.

A. **Landscaping Requirements.** Landscaping shall comply with Chapter 10.40: *Streetscape*, the Zoning Code, Chapter 11.4.30: *Landscaping and Buffer Yards*, and these requirements.

B. **Deferral of Landscape Installation.** The installation of required landscaping may be deferred until the development of the subdivided lots through the provisions of Section 10.55.015: *Improvement Agreements and Security*, provided that interim erosion and sediment control measures are installed in compliance with Section 10.15.025: *Grading, Erosion and Sediment Control*.

§ 10.15.035 Monuments.

The subdivider shall install monuments in compliance with Chapter 10.60: *Surveys and Monuments*.

§ 10.15.040 Parcel Design.

The size, shape and configuration of proposed parcels shall comply with this Section, the Zoning Code, any applicable specific or precise plan requirement, and any other Municipal Code provision applicable to the proposed subdivision.

A. **Parcel Area.** The minimum area for proposed parcels shall be as required by the Zoning Code, except as otherwise provided by this Section.

B. **Minimum Lot Area Requirements for Common Interest Projects.** The minimum lot area requirements of the Zoning Code shall not apply to the individual units in condominium developments, condominium conversions, planned developments, townhouses or zero lot-line projects, but shall apply to the creation of the original parcel or parcels that are the location of the common interest development.

C. **Dimensions.** The dimensions of proposed parcels shall comply with the applicable provisions of the Zoning Code.

D. **Driveway Standards.** Subdividers shall design proposed parcels to accommodate driveways designed in compliance with Title 11: *Zoning*, Section 11.4.20.030: *Driveways*.

§ 10.15.045 Public Utilities and Utility Easements.

Public utility connections, including electricity, gas, water, sewer, storm drain, and telecommunications services shall be designed and installed for each parcel.

A. **Underground Utilities Required.**

1. **Required Undergrounding.** All utility distribution facilities (including electric, telecommunications and cable television lines) designed to serve a subdivision shall be installed underground. Equipment appurtenant to underground facilities, including transformers, terminal boxes, meter cabinets, and concealed ducts, shall also be underground, unless the City Engineer approves an above-ground location. The subdivider is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility companies for facility installation. The City may waive the requirements of this Section if topographical, soil, or other conditions make underground installation infeasible.

2. **Location of Installation.** Underground utility lines may be installed within street rights-of-way or on a lot line. The City Engineer may determine the location and method of installation of lines installed within street rights-of-way.

B. **Utility Easements.**

1. **Minimum Width.** The City Engineer shall determine the minimum width of easements for public or private utilities, sanitary sewers, or water distribution systems. The City Engineer may consider the recommendation of the applicable utility company for its utilities.

2. **Overhead Lines.** If the City approves overhead utility lines, easements shall be located at the rear of the lot, or, where necessary, on or adjacent to the property line of the lot. Where practical, the poles supporting overhead lines shall not be installed within any street, alley, or easement designated for drainage purposes.

C. **Timing of Installation.** The subdivider shall install underground utilities, water lines, sanitary sewers, and storm drains proposed to be located in the street before the street is surfaced. Connections to all underground utilities,

water lines, and sanitary sewers shall be laid to sufficient lengths to avoid disturbing street improvements when service is connected.

§ 10.15.050 Sewage Disposal.

The subdivider shall provide a connection from each parcel to the Orange County Sanitation District's sewage collection, treatment, and disposal system, in compliance with the District's improvement standards and specifications.

§ 10.15.055 Street Lighting.

The subdivider shall provide street lighting facilities designed and constructed in compliance with the City's improvement standards and specifications.

§ 10.15.060 Street Names and Signs.

A. **Street Name Requirements.** The City shall name all streets within a proposed subdivision. Existing street names within the same area shall not be duplicated unless the proposed street is an extension of that street.

B. **Street Name Signs.** The subdivider shall provide a minimum of two street name signs in compliance with the City's improvement standards and specifications at each street intersection. The signs shall be located on the diagonally opposite sides of the intersection. One street name sign shall be provided at each "T" intersection.

§ 10.15.065 Storm Drainage.

A. **Approved Storm Drain System.** The subdivider shall design and install an approved storm drain system to collect and convey all storm water run-off from the subdivision. The system shall be designed with adequate capacity to accommodate ultimate development of the drainage area. The system shall provide for the protection of surrounding properties that would be adversely affected by any increase in runoff attributed to the development; the City may require off-site storm drain improvements to satisfy this requirement. Any easement for drainage or flood control shall be improved as specified by the City Engineer.

B. **Compliance with Regional Water Quality Control Board Requirements.** Discharges into any groundwater or waterways (whether direct or indirect), public or private sewer or sewage disposal system, or into the ground, shall conform with the requirements of the Santa Ana Regional Water Quality Control Board, the California Department of Fish and Game, the California Department of Public Health, or such other relevant governmental

agency, and in addition to the provisions of Title 9: *Public Property, Public Works and Building Regulations*; Chapter 9.20: *Storm Water Management*; Chapter 9.25: *Fats, Oil and Grease Management and Discharge Control*; Chapter 9.30: *Sewerage*; and Chapter 9.35: *Water*, of the Municipal Code.

C. **City Engineer Approval Required.** All storm drainage facilities shall be constructed in compliance with plans approved by the City Engineer.

§ 10.15.070 Water Supply.

Each parcel shall be served by the City's water system.

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Chapter 10.20 Tentative Parcel Map and Tentative Tract Map Filing and Processing

§ 10.20.005 Tentative Parcel Map and Tentative Tract Map Filing, Initial Processing.

A. General Filing and Processing Requirements. Subdividers shall submit Tentative Map applications and all information and other materials required by the City Engineer to the City Engineer for processing. The City Engineer shall review the application for completeness and accuracy in compliance with the California Environmental Quality Act (CEQA), this Title, the Zoning Code and applicable provisions of the Map Act.

B. Referral to Affected Agencies. Within 5 days of the City's determination that the application is complete, the City Engineer shall refer the proposed map to:

1. Any City department, County, State or Federal agency, and other entity affected by the subdivision.

2. The following agencies, in the event such agency has filed a territorial map with the City pursuant to the Map Act:

a. **California Department of Transportation (Caltrans).** For any subdivision located within the area shown on the territorial map filed by Caltrans.

b. **Adjacent Local Agencies.** For any subdivision that is located within the area shown on the territorial map filed by that local agency.

3. **Public Utilities.** Public utility companies and other service agencies, including providers of gas, electrical, telephone, and cable television services, which will be expected to provide "will serve" letters to the proposed subdivision.

4. **School Districts.** The governing board of any elementary, high school, or unified school district within which the proposed subdivision is located.

5. **State Department of Education.** For any proposed subdivision that includes a proposed public school site.

Within 15 days after receiving the map, any such agency may submit recommendations to the City.

C. Review of Tentative Parcel Map. The Subdivision Technical Review Committee shall:

1. Conduct a public meeting within 30 days from the date an application is deemed complete and consider all reviewing agency comments and any public testimony.

2. Determine whether the subdivider has complied with all applicable provisions of this Title, the General Plan, any applicable Specific Plan, and the Map Act and the map is technically correct; and

3. Prepare a recommendation to approve, conditionally approve or deny the Tentative Parcel Map. Approval or conditional approval shall be granted only if the Committee has first made all findings required. The Committee may impose conditions of approval in compliance with Section 10.20.025: *Conditions of Approval*.

§ 10.20.010 Evaluation of Application.

After the City deems the application complete, the Director and City Engineer shall:

A. Analyze whether the subdivision is consistent with applicable provisions of this Code, the General Plan, any applicable Specific Plan, and the Map Act;

B. Analyze whether the proposed subdivision satisfies the findings in Section 10.20.035: *Changes to Approved Tentative Map or Conditions*; and

C. Prepare a staff report analyzing the map, and recommending approval, conditional approval, or denial of the proposed subdivision.

§ 10.20.015 Public Hearing.

The City shall conduct a duly noticed public hearing on a proposed subdivision.

§ 10.20.020 Applicable Law.

In determining whether to approve a Tentative Map, the City shall apply only those ordinances, policies, and standards in effect at the date the application was determined complete in compliance with Section 10.20.015: *Public Hearing*, except:

A. Where the City has initiated General Plan, Specific Plan or Subdivision or Zoning Code changes and provided public notice as required by Map Act § 66474.2, in which case the City shall apply those ordinances, policies, and standards in effect at the date it acts on the map; or

B Where the applicant has requested changes to ordinances, policies, and standards in connection with its map application in which case the City shall apply those ordinances, policies, and standards adopted pursuant to the applicant's request.

C. **Required Findings.** The City shall not approve a Tentative Map where:

1. The proposed subdivision, including design and improvements, is not consistent with the General Plan or any applicable specific or precise plan.

2. The site is not physically suitable for the type or proposed density of development.

3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat.

4. The design of the subdivision or type of improvements is likely to cause serious public health problems.

5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. The City may approve the subdivision if the City finds that the subdivider will provide alternate easements for access or use that are substantially equivalent to the easements previously acquired by the public. This Subsection 5 shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the City to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the City Engineer that the subdivider can correct such conditions.

8. The proposed subdivision is not consistent with all applicable provisions of this Title, Title 11: *Zoning*, any other applicable provisions of the Municipal Code, and the Subdivision Map Act.

D. **Additional Required Findings.** Additional required findings are located at: Section 10.30.015.F: *Approval of Conversion, Required Findings*; Chapter 10.50: *Dedications*; and Section 10.25.010: *Waiver of Parcel Map*.

E. **Timing of Construction of Improvements.** The City may require construction of public improvements within a specified time after recordation of the Map if it finds it is in the interest of the public health and safety; or it is necessary as a prerequisite to the orderly development of the surrounding area.

§ 10.20.025 Conditions of Approval.

A. **Mandatory Conditions.** The City shall require the subdivider to:

1. Provide parcels, easements or rights-of-way for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and electric, gas and communications services to adequately serve the subdivision.

2. Mitigate or eliminate environmental impacts identified through the environmental review process.

3. Comply with the requirements of Chapter 10.15: *Design and Improvement Standards* and Chapter 10.45: *Block Structure*.

4. Comply with all applicable provisions of the Municipal Code, Department of Public Works Standard Conditions and the Map Act.

5. Obtain a certificate or conditional certificate of compliance pursuant to Chapter 10.35: *Lot Line Adjustments, Mergers, Certificates of Compliance and Reversions to Acreage*, prior to the sale or subdivision of any designated remainder parcels.

B. **Discretionary Conditions.** The City may require the subdivider to:

1. Waive direct access rights to any existing or proposed streets.

2. Reserve sites for public facilities, including schools, park and recreation facilities, fire stations, libraries, and other public uses pursuant to Map Act § 66479.

3. Adhere to time limits or phasing schedules for the completion of conditions of approval, where deemed appropriate.

4. Dedicate land for bicycle paths, local transit facilities (including bus turnouts, benches, shelters, and similar items), solar access easements, and school sites, in compliance with Map Act Chapter 4, Article 3.

5. Construct public improvements within a specified time after recordation of the map.

6. Comply with any other conditions deemed necessary by the City to achieve compatibility between the proposed subdivision, its immediate surroundings, and the community, or to achieve consistency with City ordinances or applicable state law.

§ 10.20.030 Effective Date of Tentative Map Approval.

The date of the resolution approving the Tentative Map is the effective date of the tentative map.

§ 10.20.035 Changes to Approved Tentative Map or Conditions.

A. **Minor Changes.** A subdivider may request the following minor changes to an approved Tentative Map or its conditions prior to recordation of a Parcel or Final Map: minor adjustments to the location of proposed lot lines and improvements; reductions in the number of approved lots; and modifications to the conditions of approval, consistent with the findings required by Subsection D. of this Section.

B. **Application for Changes.** The subdivider shall file an application and filing fee with the City Engineer, using the forms furnished by the City Engineer, containing the following information:

1. The Tentative Map number;
2. The changes requested;
3. Any facts supporting the changes; and
4. Any information deemed appropriate by the City Engineer.

C. **Processing.** Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.

D. Findings for Approval. The City shall not modify the approved Tentative Map or conditions of approval unless it finds the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval can still be made:

1. There was a material mistake of fact in the deliberations leading to the original approval;
2. There has been a change of circumstances; and
3. A serious and unforeseen hardship has occurred, not due to any action of the applicant.

E. Effect of Changes on Time Limits. City approval of changes to a Tentative Map or conditions of approval does not constitute an approval of a new Tentative Map, and shall not extend any time limits.

§ 10.20.040 Compliance with Conditions of Approval.

Prior to submitting a parcel map or final map, the subdivider shall fulfill the conditions of approval including any time limits specified in the Resolution and, where applicable, comply with the provisions of Chapter 10.55: *Improvement Plans and Agreements*.

§ 10.20.045 Vesting Tentative Maps.

A. Processing of a Vesting Tentative Map. Pursuant to §§ 66498.1 *et seq.* of the Map Act, a subdivider may file a Vesting Tentative Map. An application for a Vesting Tentative Map shall be in the same form, have the same contents and accompanying data and reports and shall be processed in the same manner as a Tentative Map. In addition, the application shall include:

1. The words "Vesting Tentative Map" printed conspicuously on the face of the map.
2. Accurately drawn, preliminary floor plans and architectural elevations for all buildings and structures proposed to be constructed on the property after subdivision.
3. Plans prepared by a registered Civil Engineer showing all off-site improvements necessary to carry out the design and improvement requirements of Chapter 10.15: *Design and Improvement Requirements*.

B. Findings for Approval. The City shall not approve a Vesting Tentative Map unless the City determines the proposed development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing and makes the findings required for Tentative Map approval set forth in this Chapter.

C. Expiration of Vesting Tentative Map. An approved Vesting Tentative Map shall be subject to the time limits set forth in this Chapter.

D. Amendment to Vesting Tentative Map.

1. A subdivider may apply for an amendment to the map or conditions of approval prior to the expiration of the Vesting Tentative Map. An amendment request shall be processed as a new application, unless the subdivider is requesting minor changes as defined in Section 10.20.035: *Changes to Approved Tentative Map or Conditions*.

2. Pursuant to Map Act § 66498.2, a subdivider may apply for an amendment prior to the expiration of the Vesting Tentative Map to secure a vested right if City ordinances, policies or standards have changed subsequent to the approval of the Vesting Tentative Map.

E. Development Rights Vested.

1. The approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards (excluding fees) in effect at the time the City has determined that the application is complete.

2. If Map Act § 66474.2 is repealed, approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the City approves or conditionally approves the Map.

3. Subsequent land use permits, building permits, extensions of time or other entitlements filed on parcels created by the subdivision may be conditioned or denied only if the City determines that:

a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

b. The condition or denial is required in order to comply with state or federal law.

4. Fees charged for building or land use permits, filed after the approval of a Vesting Tentative Map shall be as required at the time the subsequent permit applications are filed (e.g., sewer/water hookup fees, traffic mitigation fees, etc.). Application contents shall be as required by ordinance requirements in effect at the time the subsequent application is filed.

F. Duration of Vested Rights. The development rights vested by this Section shall expire if a Parcel Map or Final Map is not approved before the expiration of the Vesting Tentative Map pursuant to Section 10.20.050: *Expiration of Approved Map*. If the Parcel or Final Map is approved and recorded, the development rights shall be vested for the following periods of time:

1. An initial time period of 24 months from the date of recordation of the Parcel or Final Map. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period shall begin for each phase when the Final Map for that phase is recorded.

2. The initial 24 months shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if processing exceeds 30 days from the date the application is accepted for processing as complete.

3. The subdivider may apply for a 1-year extension at any time before the initial 24 months expires by submitting an application to the City Engineer with all required fees. The Planning Commission shall approve or deny any request for extension.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections F.1 and F.2 above, the vested rights shall continue until the expiration of the building permit, or any extension of that permit.

5. Upon application, the Planning Commission may extend any of these time periods to subdividers for projects that require a Coastal Development Permit.

§ 10.20.050 Expiration of Approved Map.

An approved map is valid for 24 months after its effective date, except as otherwise provided by Map Act §§ 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 24 months, the approval shall expire, and the City will terminate processing, unless:

A. A Parcel or Final Map for the subject subdivision, and related bonds and improvement agreements, have been filed with the City Engineer; or

B. An extension of time has been granted pursuant to this Chapter.

§ 10.20.055 Extensions of Time for Maps.

A subdivider may apply for a time extension by filing a written application and required filing fee with the City Engineer on or before the date of expiration of the approval or previous extension. Upon application, the Planning Commission may extend any of these time periods to subdividers for projects that require a Coastal Development Permit.

A. **Findings for Extensions.** The Planning Commission may grant extensions to the initial time limit up to a maximum total of 3 years, if there have been no changes:

1. To the General Plan, any applicable specific or precise plan, or this Title applicable to the subdivision since the approval of the map;

2. In the character of the site or its surroundings that adversely affect the policies of the General Plan, any applicable specific or precise plan, or applicable standards of this Title; and

3. To the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so there is insufficient capacity to serve the subdivision.

B. **Tentative Maps with Multiple Final Maps.** Where a subdivider is required to expend more on improvements than the amount as specified in Map Act § 66452.6 and multiple Final Maps are filed covering portions of a single approved Tentative Map, each filing of a Final Map shall extend the expiration of the Tentative Map by an additional 36 months from the date of its expiration, or the date of the previously filed Final Map, whichever is later. The total of all extensions shall not extend the approval of the Tentative Map more than 10 years from its approval.

§ 10.20.060 Map Waiver for Mobilehome Parks.

The Planning Commission shall waive a Map where owners of mobile homes have submitted a waiver application that fully complies with Map Act § 66428.1, unless the City makes one or more of the findings set forth in Map Act § 66428.1.

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Chapter 10.25 Parcel Maps and Final Maps

§ 10.25.005 Parcel Map Required.

A Parcel Map shall be filed for each subdivision of 4 or fewer parcels, except when the requirement for a Parcel Map is waived as set forth in Section 10.25.010: *Waiver of Parcel Map*.

§ 10.25.010 Waiver of Parcel Map.

A. Waiver Permitted. The Planning Commission may waive a Parcel Map where any of the following circumstances exist, and the boundaries of the original parcel have been previously surveyed and a map recorded, and are certain as to location.

1. The land being subdivided is solely for the creation of an environmental subdivision in compliance with Government Code Section 66418.2.

2. The subdivision or interests in the subdivision have been created by probate, eminent domain procedures, partition, or other civil judgments or decrees.

3. The subdivision results from the conveyance of land or interest to or from the City, public entity or public utility for a public purpose, such as school sites, public building sites, or rights-of-way or easements for streets, sewers, utilities, drainage, etc.

B. Application Processing and Approval. A request for waiver of Parcel Map shall be submitted with the Tentative Map application with the required filing fee. The waiver request shall be processed and acted upon concurrently with the Tentative Map application. The Commission may grant a requested waiver if:

1. The proposed Tentative Map satisfies all findings required for approval by Chapter 10.20: *Tentative Map Filing and Processing*; and

2. The proposed subdivision complies with all applicable requirements of the Map Act and this Title as to lot area, improvement and design, drainage, flood control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.

C. **Expiration of Waiver.** A waiver of Parcel Map shall be subject to the same time limits and opportunities for extension of time as the accompanying Tentative Map.

D. **Completion of Subdivision.** Upon the subdivider satisfying all Tentative Map conditions of approval, the City Engineer shall file with the County Recorder a certificate of compliance for the land to be divided and a plat map showing the division.

§ 10.25.015 Parcel Map Form and Content.

A Parcel Map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Parcel Map submittal shall include all information and other materials required by the City Engineer and § 66444 *et seq.* of the Map Act.

§ 10.25.020 Filing and Processing of Parcel Maps.

A. **Filing with the City Engineer.** The subdivider shall submit the Tentative Parcel Map and all data, information and materials required by Section 10.25.015: *Parcel Map Form and Content* to the City Engineer. The application shall be deemed complete on the date the City Engineer determines that it complies with all applicable provisions of this Title and the Map Act.

B. **Review of Parcel Map.** If the City Engineer has determined that the tentative map has not expired, the City Engineer shall:

1. Determine whether the subdivider has complied with all applicable provisions of this Title and the Map Act and the map is technically correct, and in substantial compliance with the approved Tentative Map; and

2. Verify that the Parcel Map conforms to the approved Tentative Map and that any conditions of approval have been completed.

If the City Engineer cannot make such determination or verification, the City shall notify the subdivider and provide it an opportunity to make necessary changes and resubmit the Parcel Map with all required data.

§ 10.25.025 Parcel Map Approval.

A. **Map without Dedications.** After determining that the Parcel Map conforms to the approved Tentative Parcel Map, is technically correct in compliance with this Chapter, and that all conditions of approval have been satisfied, the City Engineer shall approve the Parcel Map and execute the City

Engineer's Certificate. The City Engineer shall then transmit the map to the County Recorder for filing in compliance with § 66450 of the Map Act.

If the City Engineer cannot make such determination or verification, the City shall notify the subdivider and provide it an opportunity to make necessary changes and resubmit the Parcel Map with all required data.

B. Map with Dedications. After determining that the Parcel Map is technically correct in compliance with this Chapter, the City Engineer shall refer the Map to the City Council to accept or reject offers of dedications. The Council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, concurrently with its approval of the Map. Following Council action, the City Engineer shall execute the City Engineer's Certificate. The map shall then be transmitted by the City Engineer to the County Recorder for filing in compliance with Map Act § 66450.

§ 10.25.030 Final Map Required.

A Final Tract Map shall be filed for each subdivision of 5 or greater parcels.

§ 10.25.035 Final Map Form and Content.

A Final Tract Map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Final Tract Map submittal shall include all information and materials required by § 66433 *et seq.* of the Map Act. A Final Tract Map submittal shall also include a digital copy of the Final Tract Map, prepared using computer software and standards specified by the City Engineer.

§ 10.25.040 Filing and Processing of Final Maps.

A. Filing with City Engineer. The subdivider shall submit the Final Tract Map, together with all data, information and materials required by Section 10.25.035: *Final Tract Map Form and Content*, to the City Engineer. The application shall be deemed complete on the date the City Engineer determines that it complies with all applicable provisions of this Title and the Map Act.

B. Review of Final Tract Map. The City Engineer shall:

1. Determine whether the subdivider has complied with all applicable provisions of this Title and the Map Act and the map is technically correct, and in substantial compliance with the approved Tentative Map; and

2. Verify that the Final Tract Map conforms to the approved Tentative Map and that any conditions of approval have been completed.

If the City Engineer cannot make such determination or verification, the City shall notify the subdivider and provide it an opportunity to make necessary changes and resubmit the map with all required data.

C. Multiple Final Maps. The subdivider may file multiple Final Tract Maps as to the approved subdivision if the subdivider either included a statement of intention with the Tentative Map or, if after the filing of the Tentative Map, the subdivider has obtained the City Engineer's approval of multiple maps submission.

§ 10.25.045 Final Map Approval.

After determining that the Final Tract Map is in compliance and is technically correct in compliance with Section 10.25.040: *Filing and Processing of Final Tract Maps* above, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Map Act § 66442, and forward the Final Tract Map to the Council for action, as follows:

A. Review by Council. The Council shall approve or disapprove the Final Tract Map at the council meeting it receives the Map or at its next regular meeting.

1. **Criteria for Approval.** The Council shall approve the Final Tract Map if it conforms to all the requirements of the Map Act, all provisions of this Title that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.

2. **Waiver of Errors.** The Council may approve a Final Tract Map that fails to meet one or more of the requirements of this Title or the Map Act applicable at the time of approval of the Tentative Map, if the Council finds a technical or inadvertent error that does not materially affect the validity of the map.

3. **Approval by Inaction.** If the Council does not approve or disapprove the map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements and rulings, it shall be deemed approved, and the City Clerk shall certify its approval on the map.

B. Map with Dedications. The Council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, concurrently with its approval of the Final Tract Map.

C. **Map with Incomplete Improvements.** If improvements required by the City have not been completed at the time of approval of the Final Tract Map, the subdivider shall execute a completion agreement pursuant to Section 10.55.015: *Improvement Agreements and Security*, as a condition precedent to the approval of the Final Tract Map.

D. **Transmittal to Recorder.** After action by the City Council, and after the required signatures and seals have been affixed, the City Clerk shall transmit the Final Tract Map to the County Recorder for recordation in accordance with Map Act § 66464.

§ 10.25.050 Subsequent Acceptance of Offer of Dedication.

If the City Council rejects a subdivider's offer of dedication, the City may accept the offer after its approval of the Final or Tract Map pursuant to Map Act § 66477.2.

§ 10.25.055 Supplemental Information Sheets.

In addition to the information previously required by this Chapter, the City may require the recordation of additional information as follows:

A. **Preparation and Form.** The additional information required by this Section shall be presented in the form of additional map sheets, unless the City Engineer prefers a report or other document. Unless otherwise directed by the City Engineer, the additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for Parcel Maps by Section 10.25.015: *Parcel Map Form and Content*.

B. **Content of Information Sheets.** Supplemental information sheets shall contain the following information:

1. **Title.** The words "Supplemental Information Sheet" and the number assigned to the accompanying Parcel or Final Map;

2. **Explanatory Statement.** Statements that the supplemental information sheet is recorded with the subject Parcel or Final Map, and that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record interest;

3. **Location Map.** A location map, at a scale not to exceed one inch equals 2,000 feet. The map shall indicate the location of the subdivision within the City;

4. **Areas Subject to Flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;

5. **Soils or Geologic Hazards Reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and

6. **Information Required by Conditions of Approval.** Any information required by the approval body to be included on the supplemental information sheet(s) because of its importance to potential successors in interest to the property, including any other easements or dedications.

§ 10.25.060 Recordation of Maps.

The subdivider shall comply with Map Act § 66465 at the time of filing the map with the County Recorder.

§ 10.25.065 Amendments to Recorded Maps.

A recorded Parcel or Final Map may be modified only as forth in this Section.

A. **Corrections.** A recorded final map or parcel may be amended or corrected pursuant to Article 7, Chapter 3 of the Map Act (§§ 66469 *et seq.*).

B. **Changes to Approved Subdivision.** A subdivider must submit a new subdivision application and obtain City approval for all changes or amendments to recorded maps not governed by Subsection A.

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Chapter 10.30 Residential Condominiums and Condominium Conversions

§ 10.30.005 Condominium Project Constitutes a Subdivision.

Map Act § 66424 provides that “subdivision” includes common interest development such as: a condominium project as defined in Civil Code § 1351(f); a community apartment project as defined in Civil Code § 1351(d); and the conversion of five or more existing dwelling units into a stock cooperative as defined in Civil Code § 1351(m).

§ 10.30.010 Subdivision Map Required for Residential Condominiums.

An applicant proposing to develop a residential common interest development as defined in Civil Code § 1351(c) (condominium project; community apartment project, stock cooperative, planned development) must file an application for Tentative Map approval in accordance with, and such application shall be processed pursuant to, Chapter 10.20: *Tentative Map Filing and Processing*. Either a parcel map or final map is required pursuant to the requirements of Chapter 10.25: *Parcel Maps and Final Maps*.

§ 10.30.015 Subdivision Map Required for Residential Condominium Conversions.

A. **Conversion Defined.** A condominium conversion is the conversion of real property to a common interest development.

B. **Application Filing and Processing.** An applicant proposing to convert real property to a residential common interest development conversion must file an application for Tentative Map approval in accordance with, and such application shall be processed pursuant to, Chapter 10.20: *Tentative Map Filing and Processing*. Either a parcel map or final map is required pursuant to the requirements of Chapter 10.25: *Parcel Maps and Final Maps*. Notwithstanding this provision, the map requirement may not apply pursuant to Section 10.10.010: *Exemptions*.

C. **Additional Requirements.** In addition to the requirements in Chapter 10.20: *Tentative Map Filing and Processing*, an application for a condominium conversion shall include:

1. **Illustration of Airspace Division.** An illustration of airspace division to verify legal descriptions on deeds for the transfer of ownership of units.

2. **Verification of Stock Cooperative Vote.** Verification of the vote required by Map Act § 66452.10 for a conversion from a stock cooperative.

3. **Relocation Assistance Program.** A program proposed by the applicant that will assist tenants displaced through the conversion in relocating to equivalent or better housing. See Title 11: *Zoning*; Chapter 11.4.80: *Condominium Conversions*.

4. **Mobile Home Park Conversion Impact Report.** The report required by Map Act § 66427.4 and Title 12: *Mobilehome Park Conversions* for a conversion from a mobile home park.

D. **Early Distribution of Staff Report.** The City shall provide the staff report for the condominium conversion to the subdivider and each tenant at least 3 days before any public hearing on the Tentative Map.

E. **Public Notice.**

1. **Tenant Notice.** The subdivider shall give notice to all existing or prospective tenants as set forth in Map Act §§ 66452.8 and 66452.9, and shall provide the Director satisfactory proof that the notice was given.

2. **Public Hearing Notice.** The City shall provide notice of the public hearing on the Tentative Map in accordance with Map Act § 66451.3.

F. **Approval of Conversion, Required Findings.**

1. **Time Limit, Stock Cooperatives.** The approval or disapproval of the conversion of an existing building to a stock cooperative shall occur within 120 days of the application being found complete in compliance with Chapter 10.20: *Tentative Map Filing and Processing*. The 120-day time limit may be extended by mutual consent of the subdivider and the City.

2. **Conversion Findings, Residential Projects.** The City shall not approve a Tentative or Final Map for the conversion of residential real property into a condominium project, community apartment project or stock cooperative unless it makes the findings set forth in Map Act § 66427.1.

* * * * *

Chapter 10.35 Lot Line Adjustments, Mergers, Certificates of Compliance and Reversions to Acreage

§ 10.35.005 Lot Line Adjustments.

A. **No Map Required.** Pursuant to Map Act § 66412(d), lot lines between 4 or fewer existing adjacent parcels may be adjusted, where land taken from 1 parcel is added to an adjacent parcel and where no more parcels are created than originally existed. For the purposes of this Section, an “adjacent parcel” directly touches at least one of the other parcels involved in the adjustment. Parcels containing structures encroaching across original parcel lines shall be considered a single parcel for purposes of an adjustment.

B. **Application and Processing.** An applicant shall submit a Lot Line Adjustment application to the City Engineer with all information and other materials required by the City Engineer and shall be processed in compliance with the procedures specified by Title 11, *Zoning*, Chapter 11.5.10: *Common Procedures*, Section 5.10.020: *Review of Applications*. No environmental review shall be required.

C. **Approval or Denial.** The Director and City Engineer shall determine whether the parcels resulting from the adjustment will conform with the applicable provisions of this Title, the Zoning Code, any other applicable provisions of the Municipal Code, and the Subdivision Map Act. The City Engineer may approve, conditionally approve, or deny the Lot Line Adjustment. Decisions made by the City Engineer may be appealed to the Planning Commission.

1. **Required Findings.** A proposed Lot Line Adjustment shall be denied if the City Engineer finds any of the following:

a. The adjustment will have the effect of creating a greater number of parcels than exist before adjustment;

b. Any parcel resulting from the adjustment will conflict with any applicable regulations of this Title, the Zoning Code any other applicable provisions of the Municipal Code, and the Subdivision Map Act; or

c. The adjustment will result in an increase in the number of nonconforming parcels.

2. **Conditions of Approval.** In approving a Lot Line Adjustment, the City Engineer shall impose conditions only as necessary to conform the adjustment and proposed parcels to the requirements of this

Title 10; Title 11, Zoning; and Title 9; Chapter 9.60: *Building Code* of the Municipal Code, or to facilitate the relocation of existing utilities, infrastructure, or easements.

D. Completion of Adjustment.

1. **Completion by Deed.** A Lot Line Adjustment shall not be effective or finally completed until recordation of a grant deed or deeds signed by the record owners. The applicant shall submit deeds to the City Engineer for review and approval in compliance with Subsection 2, before recordation of the grant deed. The legal descriptions provided in the deeds shall be prepared by a qualified registered civil engineer, or a licensed land surveyor licensed or registered in the State.

2. **Review and Approval by City Engineer.** The City Engineer shall:

a. Examine the deeds to ensure that all record owners and lien holders have consented to the adjustment;

b. Verify that all conditions of approval have been satisfactorily completed and that the deeds are in substantial compliance with the Lot Line Adjustment as approved by the City;

c. Verify that the property owners have either obtained partial reconveyances from any mortgagor or other lien holder for any portion of a parcel being transferred to an adjacent parcel, and that any liens covering the adjacent property have been modified to cover the newly created larger parcel;

3. If satisfied that the deeds comply with the above requirements, place an endorsed approval upon the deeds; and

4. After approval of the legal descriptions, assemble the deeds and return them to the applicant for recordation.

E. **Expiration.** The approval of a Lot Line Adjustment shall expire and become void if the adjustment has not been completed as required by this Section within 12 months of approval.

§ 10.35.010 Parcel Mergers.

A. **Processing of Requested Merger.** Upon request of the legal owner of contiguous parcels, the City may approve the merger of the property in compliance with Map Act § 66499.203/4. The request shall be in writing and shall be accompanied by data and documents as required by the City Engineer.

1. **City Review.** The City Engineer shall have the authority to review and approve proposed parcel mergers, except that Council review and approval shall be required for a proposed merger associated with a project that has not been previously considered by the Commission.

2. **Conditions of Approval.** In approving a merger, the City Engineer may impose reasonable conditions, including a condition that the adjusted lot line(s) shall be monumented. The applicant may appeal to the Council any conditions by filing written notice within 10 days of the decision.

3. **Completion of Merger.** Upon approval, a Notice of Lot Merger shall be filed with the County Recorder. The form and content of the notice shall be as required by the City Engineer.

§ 10.35.015. Certificates of Compliance.

A. **Application.** A property owner or a purchaser of the property may apply for a Certificate of Compliance certifying that the subject parcel is a legal lot of record.

B. **Application Contents.** An application shall include the form provided by the City Engineer, the required filing fee and a chain of title, consisting of copies of all deeds beginning before the division and thereafter, unless the parcels were created through a recorded subdivision map.

C. **City Engineer Review.** The City Engineer shall review all available information and make a determination whether the real property was divided in compliance with the Map Act, this Title, and other applicable provisions of the Municipal Code. Upon making the determination, the City Engineer shall cause a Certificate of Compliance to be filed with the County Recorder. In the event that the City Engineer determines that the real property does not comply with the provisions of the Municipal Code or the Map Act, the application shall instead be processed as a Conditional Certificate of Compliance pursuant to Section 10.35.020: *Conditional Certificates of Compliance*.

D. **Form of Certificate.** The Certificate of Compliance shall: identify the real property, state that the division complies with the provisions of the Map Act and this Title; and include all information required by Map Act § 66499.35.

E. **Effective Date of Certificate.** A Certificate of Compliance shall not become final until the document has been recorded by the County Recorder.

§ 10.35.020 Conditional Certificates of Compliance.

A. **Application.** An application for a Conditional Certificate of Compliance shall contain the materials required by Section 10.35.015: *Certificates of Compliance*.

B. **Review and Approval.** Upon making a determination that the real property does not comply with the provisions of this Title or the Map Act, the Subdivision Technical Review Committee shall grant a Conditional Certificate of Compliance, imposing conditions as provided by Subsection C.

C. **Conditions of Approval.** If the owners of the property for which a certificate is requested are the original subdividers, the Subdivision Technical Review Committee may impose any conditions that would be applicable to a current subdivision, as provided by the Map Act and this Title, regardless of when the property was divided. If the owners had no responsibility for the subdivision that created the parcel, the Subdivision Technical Review Committee may only impose conditions that would have been applicable at the time the property was acquired by the current owners.

D. **Appeal.** The property owner may appeal a Conditional Certificate of Compliance and/or the conditions imposed to the Commission.

E. **Completion of Process.** Following expiration of the 10-day appeal period after the determination and imposition of conditions by the Subdivision Technical Review Committee, the City Engineer shall file a Conditional Certificate of Compliance with the County Recorder. The certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other approval for the development of the property.

F. **Effective Date of Certificate.** A Conditional Certificate of Compliance shall not become effective until the document has been recorded by the County Recorder.

§ 10.35.025 Reversions to Acreage.

A. Initiation of Reversion, Application Requirements.

1. **Initiation by Owners.** The record owners of the property may apply to revert subdivided property to acreage by filing with the City Engineer an application in a form prescribed by the City Engineer, all information

and materials required by the City Engineer, the required filing fee and any other information required by the City Engineer.

2. **Initiation by Council.** The City Council may, by resolution, initiate proceedings to revert property to acreage at the request of any person or on its own motion. The Council shall direct the City Engineer to obtain the necessary information to initiate and conduct the proceedings.

3. **Application Requirements.** The application shall include:

- a. Evidence of title to the real property;
- b. Evidence of the consent of all of record owners;
- c. Evidence that none of the improvements required to be made have been made within 2 years from the date the Final or Parcel Map was filed for recordation, or within the time allowed by an agreement for completion of the improvements, whichever is later;
- d. Evidence that no lots shown on the Final or Parcel Map have been sold within 5 years from the date the Final or Parcel Map was filed for recordation.
- e. A Tentative Map in the form prescribed by Chapter 10.20: *Tentative Map Filing and Processing*.
- f. A Final or Parcel Map in the form prescribed by Sections 10.20.005: *Tentative Map Filing, Initial Processing* and 10.25.035: *Final Tract Map Form and Content*, respectively, which delineates dedications which will not be vacated and dedications required as a condition of reversion. The Final or Parcel Map shall be conspicuously designated with the title, "The Purpose of This Map is a Reversion to Acreage."

B. **Recommendation to Council.** Upon finding that the proposed reversion meets with all the requirements of this Title and the Map Act, the City Engineer shall submit the Final or Parcel Map, together with a report and recommendations of approval or conditional approval of the reversion to acreage to the Council for its consideration.

C. **Notice and Hearing.** The Council shall hold a public hearing on an application for reversion to acreage after providing written notice to all property owners within 300 feet at least 10 days prior to the hearing.

D. **Findings for Approval.** The Council may approve a reversion to acreage only if it finds and records by resolution that dedications or offers of

dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and either:

1. All owners of an interest in the real property within the subdivision have consented to reversion; or

2. None of the improvements required to be made have been made within 2 years from the date Final or Parcel Map was filed for recordation, or within the time allowed by agreement for completion of the improvements whichever is later; or

3. No lots shown on the Final or Parcel Map have been sold within 5 years from the date the Final or Parcel Map was filed for recordation

E. Conditions of Approval. The Council may require:

1. The owners dedicate or offer to dedicate streets, public rights-of-way or easements; and

2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this Title.

F. Completion of Process. Upon City Council approval of the reversion to acreage, the City Engineer will transmit the Final or Parcel Map, together with the Council resolution approving the reversion, to the County Recorder for recordation. Reversion shall be effective upon the map being filed for recordation by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the Final or Parcel Map for reversion shall be of no further force and effect.

Chapter 10.40 Streetscape

§ 10.40.005 Purpose of Chapter.

Streetscapes are the areas between buildings in Seal Beach that are occupied by the public street right-of-way and related street, sidewalk, and landscaping improvements, and any setback and yard areas on private property. The City's streetscapes are among our most important urban design features because their appearance, character, and the impressions they evoke create the public image of the City. That image is significant to how residents and visitors think and feel about Seal Beach.

This Chapter provides standards and guidelines for the planning and design of the publicly-owned portions of the streetscape, as well as shared private facilities such as private streets and alleys. Standards and guidelines for the privately-owned portions of the streetscape (setbacks/yards, landscaping and buildings) are addressed in Title 11: *Zoning*; Part II: *Base District Regulations* and Part IV: *Regulations Applying in Some or All Districts*. The standards and guidelines of this Chapter establish appropriate requirements for the width and uses of public and private street rights-of-way (for traffic, parking, pedestrians, bicycles, and landscaping).

§ 10.40.010 Streetscape Standards and Guidelines.

The following standards and guidelines apply to the design and construction of public rights-of-way and right-of-way improvements in conjunction with proposed subdivisions, individual lot development where proposed projects are required to provide right-of-way dedications or improvements and public right-of-way improvements designed and constructed by the City.

A. Basic Street Design Standard. Streets shall be safe, comfortable and convenient for all travel modes: cars, pedestrians and bicyclists. New streets shall minimize the width of travel lanes, use landscaping to separate sidewalks from the street curb, define the street edge with frequently spaced street trees, and have pedestrian-scaled street lights. Modifications of existing streets may need to occur over time, as streets are re-built or improved. Street design shall not compromise public safety or emergency vehicle access. Final street design approval shall be by the Director of Public Works/City Engineer.

1. Street Performance. Streets should not be wider than needed to accommodate demonstrated traffic demand. Each street's design shall be based on its anticipated role within the city and within each neighborhood.

2. **Emergency Vehicle Access.** All streets shall have an unobstructed path that may include bicycle lanes of sufficient width to provide adequate emergency vehicle access.

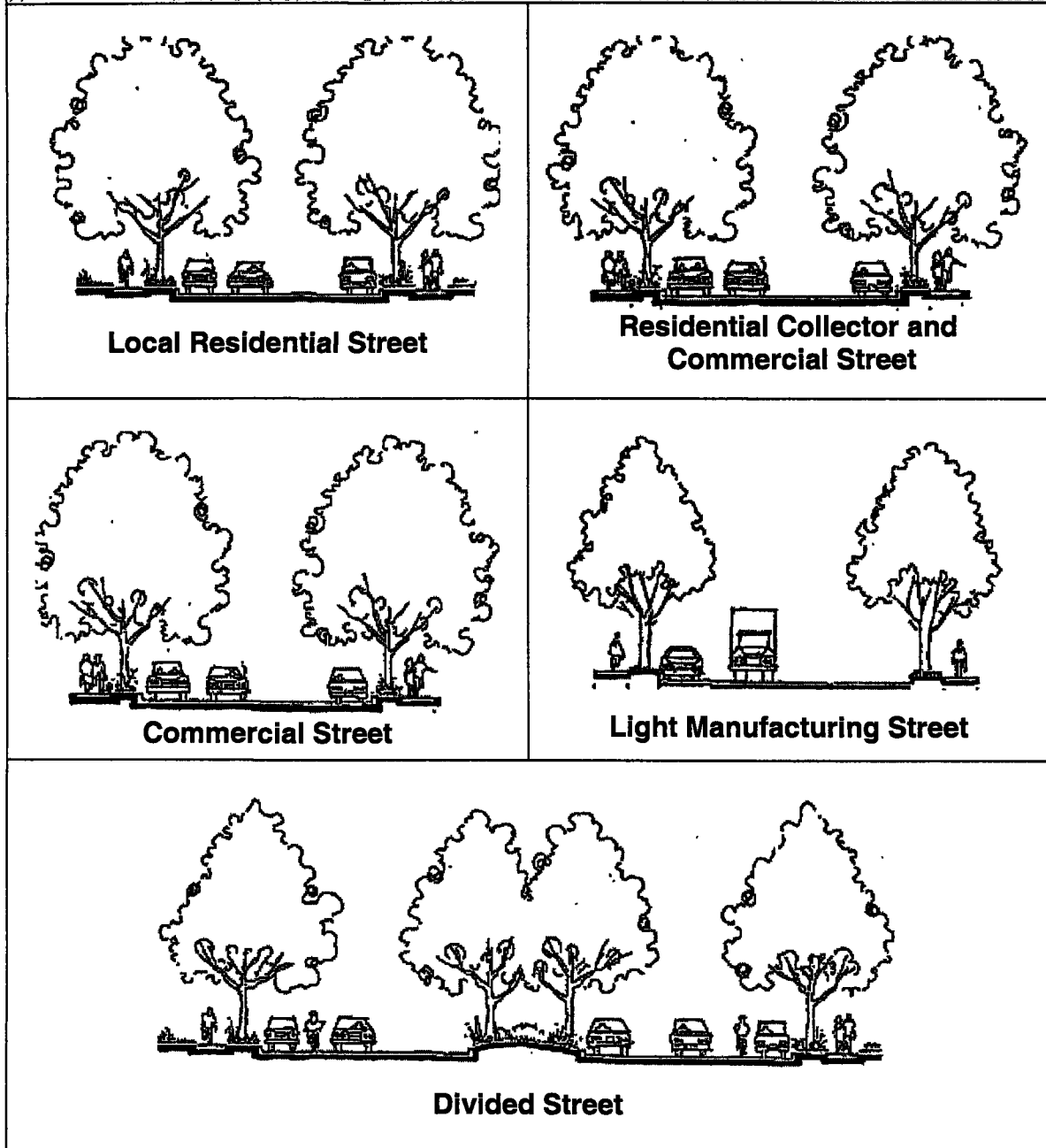
3. **On-Street Parking.** On-street parking should be provided on both sides of all streets except for major arterials, such as Seal Beach Boulevard. On-street parking lanes should be no less than 8 feet in width to provide adequate area for door swings.

4. **Bicycle Lanes.** On-street bicycle lanes may be provided as determined by the Director of Public Works/City Engineer. These lanes shall be built and delineated in compliance with State standards.

5. **Typical Street Standards.** Final design standards for any street improvements or rehabilitation shall be approved by the Director of Public Works/City Engineer. Figure 10.40.010.A: *Typical Street Designs*, and Table 10.40.010.A: *Street Design Standards*, on the following pages set forth the generally applicable design standards for various roadways within the City.

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**FIGURE 10:40.010.A
TYPICAL STREET DESIGNS**



| Table 10.40.010-A Street Design Standards | | | | | | | |
|---|----------------|-----------------------|-------------------|------------------------|-------------------------|---------------------|--------------------------|
| Street Type | Total ROW (ft) | Curb-to-Curb ROW (ft) | Travel Lane Width | Number of Travel Lanes | Parking Lane Width (ft) | Pedestrian ROW (ft) | Supplemental Regulations |
| Local Residential Street | 56-60 | 36-40 | 10 | 2 | 8 | 10 | (i) |
| Residential Collector & Commercial Street | 60 | 36-40 | 10 | 2 | 8 | 12 | (ii) |
| Commercial Street | 64 | 40 | 12 | 2 | 8 | 12 | (ii) |
| Light Manufacturing Street | 64 | 44 | 12 | 2 | 10 | 10 | (iii) |
| Divided Street | 108-130 | 84-106 | 11 | 4-6 | 8 | 12 | (iv), (v) |
| (i) Narrower parking lanes and bulb outs can be considered on a case-by-case basis. (ii) On streets fronting commercial districts solid sidewalks and tree grates are required. (iii) Sidewalk may be eliminated and utilized as additional landscaping based on level of anticipated pedestrian activity, unless required pursuant to federal or State law. (iv) Where on street parking is not permitted, replace parking lane with additional landscaping and Class 1 bike plan as appropriate. (v) Center landscaped median to be provided, no greater than 16 feet wide. | | | | | | | |

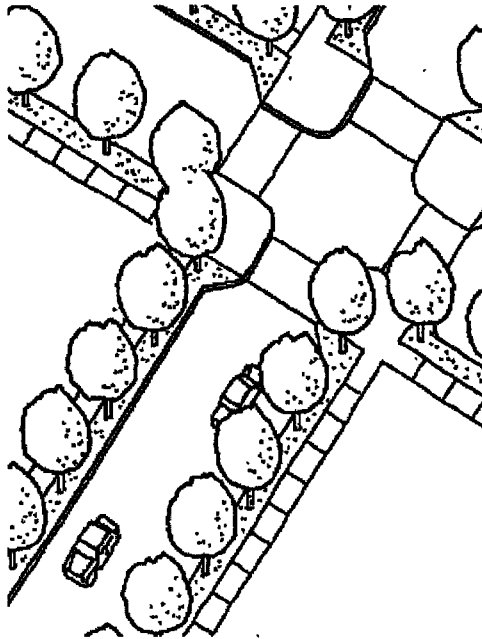
B. Intersections. Intersection design shall not compromise public safety or emergency vehicle access. Final intersection design approval shall be by the Director of Public Works/City Engineer.

1. **Additional Lanes.** Streets should have turn lanes or more than 1 travel lane in each direction only if it can be demonstrated, through modeling or other reliable means, that more than temporary congestion is anticipated (Level of Service E or greater). Where a total of 4 or more travel lanes are planned, a minimum 15-foot wide planted median should be provided to reduce visual impacts of the pavement.

2. **Curb-to-Curb Distances.** Curb-to-curb distances at intersections should be minimized to reduce vehicular speeds and pedestrian

crossing distances. At typical intersections, on-street parking should be replaced by corner bulb outs that minimize curb-to-curb distances and slow traffic. See Figure 10.40.010.B.2: *Corner Bulb Outs*, below.

Figure 10.40.010.B.2
Corner Bulb Outs



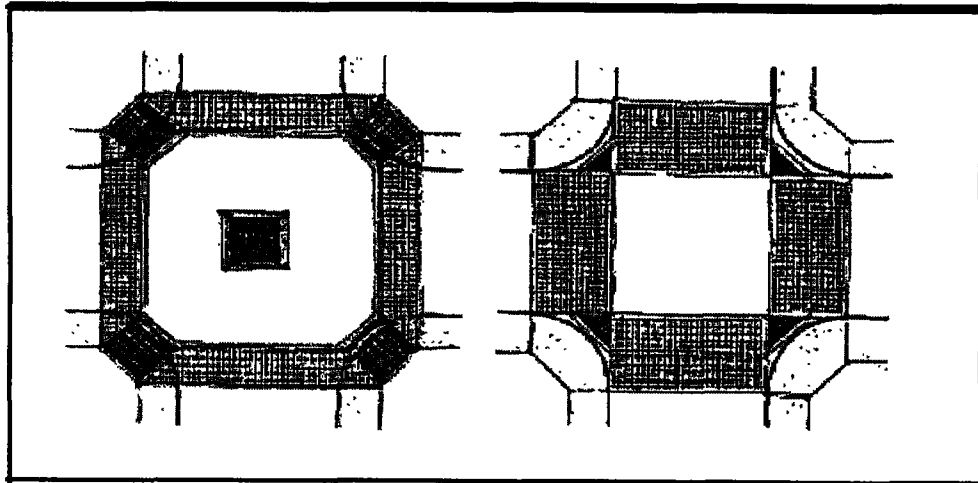
3. **Curb Radii.** Curb radii should not exceed the dimensions in Table 10.40.010.B.3: Curb Radii, below, and should include handicap ramps at each corner.

| TABLE 10.40.010.B.3 CURB RADII | |
|-----------------------------------|-----------------------------------|
| Street Type | Curb Radii (feet) |
| Local Streets | 20 |
| Collector Streets | 25 |
| Other Streets | To be determined by City Engineer |

4. **Crosswalks in the Main Street Specific Plan Area.** For the safety of pedestrians and to give special identify to the Main Street area, decorative, load-bearing unit pavers should be considered for crosswalks.

Please see Figure 10.40.010.B.4: *Crosswalks in the Main Street Specific Plan Area*, below.

Figure 10.40.010.B.4
Crosswalks in the Main Street Specific Plan Area



C. **Driveways and Alleys.** Driveway and alley design shall not compromise public safety or emergency vehicle access. Final intersection design approval shall be made by the Director of Public Works/City Engineer.

1. **Driveway Curb Cuts.** Driveway curb cuts should be minimized along collector and arterial roadways by providing vehicular access via side streets or access lanes. Where access from side streets or access lanes is not feasible, on-site turnarounds should be provided and curb cuts should serve multiple parcels whenever possible.

2. **Alleys.** Alleys can foster creativity in the design of both commercial and residential projects, and reflect a historic development pattern within the City. Alleys therefore should be encouraged as an option in new development projects. Alleys are intended for vehicle access, a potential location for utilities, and trash service.

a. **Design Standards.** Alleys are slow speed, 10 miles per hour, access routes running behind and sometimes between rows of residences or commercial buildings. Alleys typically are 12 to 20 feet in width and can be utilized to provide access to utilities, sanitation, garages, backyards, and secondary access to commercial parking areas. Alleys should clearly be designed as a secondary access way, not a street. Curbs, gutters, mailboxes, sidewalks and streetlights are not allowed on alleys.

i. **Residential Width.** For primary access to residential developments an alley width of 12 to 15 feet is appropriate.

ii. **Commercial Width.** For primary access to commercial developments an alley width of 20 feet is appropriate.

iii. **Security Lighting.** Security lighting is to be provided by wall-mounted light fixtures. Street lights are not permitted.

iv. **Curb Returns.** Curb returns shall be provided where an alley intersects a street right-of-way.

v. **Public or Private.** Alleys may be public or private. The Director of Public Works/City Engineer shall make such determinations.

D. **Street Edges.** Street edge design shall not compromise public safety or emergency vehicle access. Final street edge design approval shall be made by the Director of Public Works/City Engineer.

1. **Curbs and Gutters.** Curbs and gutters shall be provided along all street edges, unless the use of drainage swales is appropriate due to adjacent sensitive natural lands.

2. **Drainage Swales.** Drainage swales should be sized to adequately convey runoff and stabilized for erosion. Swale banks shall not exceed a 2:1 slope and be planted with appropriate ground-cover. See Title 11: *Zoning*; Chapter 4.30: *Landscaping and Buffer Yards*; Section 4.30.050: *Invasive Plant Species*, for additional planting requirements.

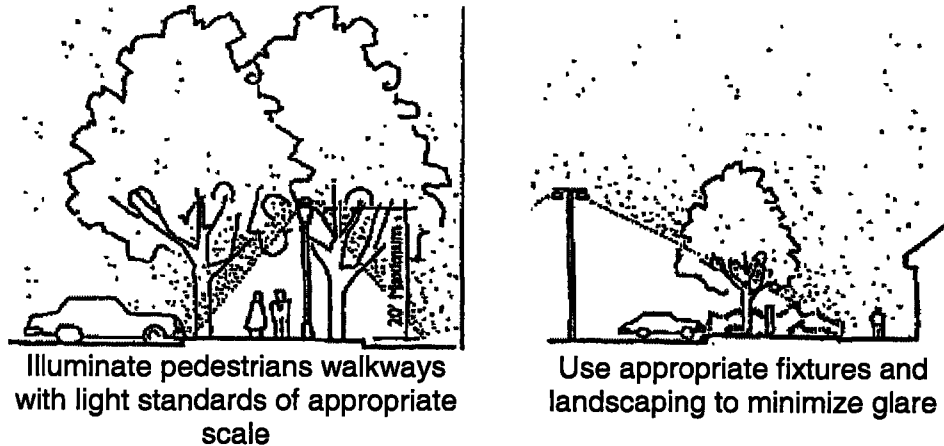
E. **Street Lighting.** Street lighting design shall not compromise public safety or emergency vehicle access. Final street lighting design approval shall be made by the Director of Public Works/City Engineer.

1. **Street Light Spacing.** Street light spacing shall be determined by the appropriate level of light coverage for the area being served by the street.

2. **Lighting Standards.** Street lighting should be consistent with the small town character of Seal Beach, and should be designed with as much concern for the pedestrian environment as for vehicular environments. The height of new lighting fixtures should not exceed 20 feet.

3. **Illumination.** Street lights should be designed to direct light to appropriate surfaces and to minimize glare into residences. See Figure 10.40.010.E: *Street Lighting Illumination*, below.

Figure 10.40.010.E
Street Lighting Illumination



F. **Sidewalks.** Sidewalks shall be provided along all public streets and shall be located within the public right-of-way. Final sidewalk design approval shall be by the Director of Public Works/City Engineer.

1. **Pedestrian Convenience.** Pedestrian convenience and safety shall be considered in the design of sidewalks in the public right-of-way. Avoid encroaching light standards, above ground utility boxes, and other impediments where pedestrians are expected to pass. Meanders in sidewalks may be approved to avoid existing trees or changes in topography.

G. **Bicycle Routes.** Streets that are designated as "Bike Routes" in the General Plan should be clearly identified through signs, well marked crosswalks, and travel lanes as appropriate. Bike routes within streets should be built in compliance with State standards. Traffic signal detectors for bicycles should be considered at signalized intersections with high traffic volumes.

H. **Street Trees.** Street trees shall be provided as required by the Director of Public Works/City Engineer.

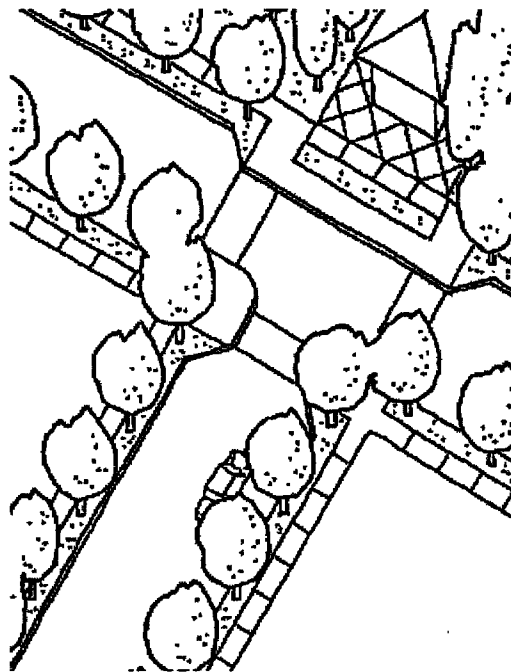
I. **Traffic Calming.** The design of an interconnected street network shall include provisions that discourages fast, through-traffic on neighborhood collector and local streets. Traffic calming measures that restrict traffic at the expense of the overall inter-connectedness of the street system is to be avoided.

Final traffic calming design approvals shall be by the Director of Public Works/City Engineer.

1. **Appropriate Street Widths.** Street widths should be narrow enough to slow traffic, while accommodating demonstrated traffic demand and providing adequate emergency vehicle accessibility. See Section 10.40.010: *Streetscape Standards and Guidelines*, above.

2. **"T" Intersections.** Road alignments are offset at least 150 feet, forcing turning movements. Careful siting can be utilized to create vistas to open spaces and important civic features. See Figure 10.40.010.I.2: *"T" Intersection*, on the following page.

Figure 10.40.010.I.2
"T" Intersection



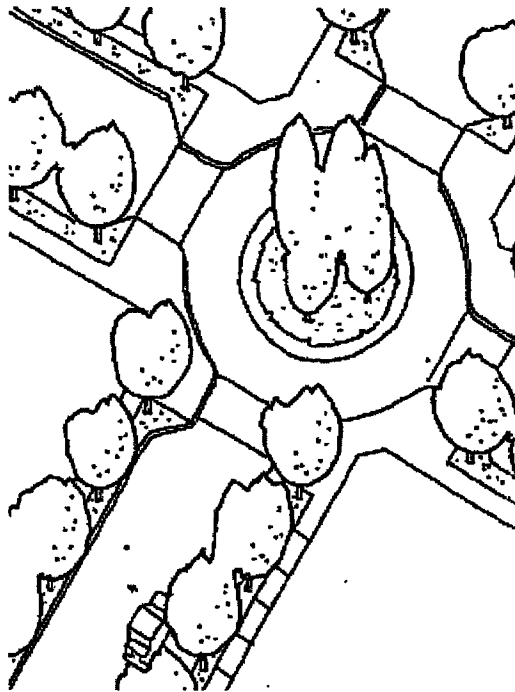
3. **Median Islands.** Median islands can be installed in the center of a street and can serve to narrow and redirect traffic lanes, and provide visual relief with appropriate landscaping.

4. **"Bulb Outs" ("Neckdowns") and Textured Crosswalks.** These design features can be used singly or in combination. Bulbouts slow traffic and reduce pedestrian crossing distances by narrowing the curb-to-curb

dimension of the street, either at intersections or at mid-block pedestrian crossing points. Mid-block pedestrian crossing points are only permitted within the "Main Street Specific Plan" area. Crosswalks can be textured by means of special pavers or other treatments, alerting drivers that the area being traversed has a pedestrian-oriented environment and identity. See Figure 10.40.010.B.2: *Corner Bulb Outs*, above.

5. **Traffic Circles.** Traffic circles are small circular islands placed in the center of an intersection and are typically landscaped. They are normally utilized without stop signs as a means to slow down traffic without requiring vehicles to come to a full stop. See Figure 10.40.010.I.5: *Traffic Circles*, on the following page.

Figure 10.40.010.I.5
Traffic Circles



Chapter 10.45 Block Structure

§ 10.45.005 Purpose of Chapter.

This Chapter provides City standards for the layout of proposed blocks within new subdivisions. The guidelines and standards set forth in this Chapter are intended to:

- A. Promote a connected community and ensure public safety by continuing the historic grid system to the greatest extent possible.
- B. Ensure that new subdivisions emulate historic development patterns in terms of block sizes to the greatest extent possible.
- C. Preserve significant natural features.
- D. Provide adequate parkland and other open space.
- E. Lessen traffic congestion through the creation of alternative routes and reduce traffic speeds in residential settings to the greatest extent possible.

Technical standards for subdivision improvements and infrastructure are found in Chapter 10.15: *Design and Improvement Requirements*; Chapter 10.50: *Dedications*; and Chapter 10.55: *Improvement Plans and Agreements*.

§ 10.45.010 Block Design Standards and Guidelines.

Blocks within proposed subdivisions shall be designed in compliance with the following standards, except where different requirements are established for a particular area within the City by an adopted planned unit development, precise plan, or specific plan.

A. **Street Layout.** Streets within new subdivisions shall align with and connect to those of adjacent subdivisions, avoiding the tendency for the proposed subdivision to become an enclave apart from the rest of the community. Public streets should be planned to be continuous through adjacent residential developments, where permitted by terrain and other natural features, to weave the community together and simplify traffic circulation patterns. Requirements for street widths and other street cross-section features are established by Chapter 10.40: *Streetscape*.

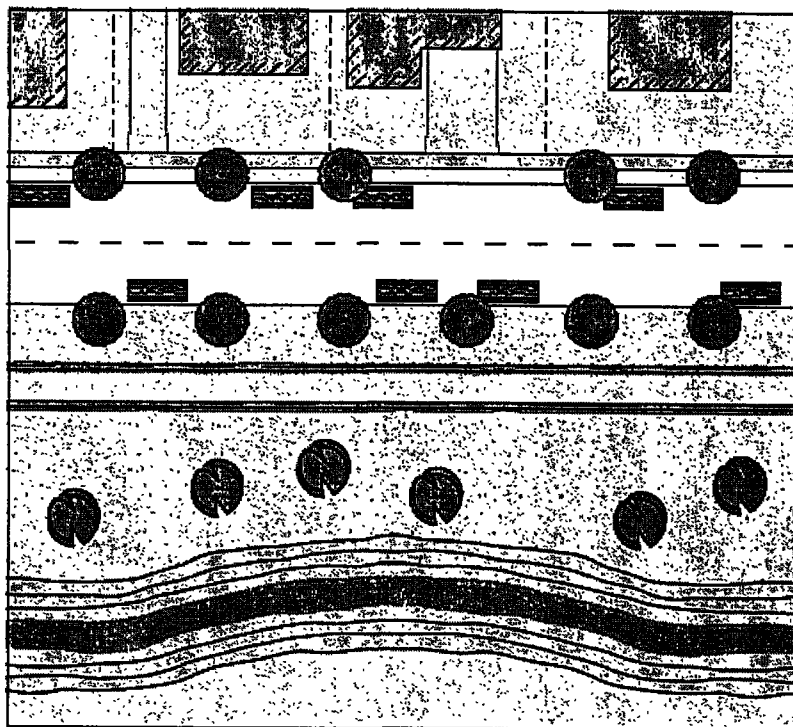
B. **Cul-de-sac Streets.** The use of cul-de-sac streets is strongly discouraged, except where the location or configuration of the parcel to be subdivided will not permit a through street to be used, or a significant natural or

cultural feature can be more effectively preserved through the use of a cul-de-sac. Where a cul-de-sac street is approved, the review authority shall require pedestrian connections from the cul-de-sac bulb to the next adjacent through street wherever feasible. The length of a cul-de-sac street shall not exceed 500 feet.

C. **Block Length.** The block dimension between intersecting public streets should normally not exceed 300 feet, or be less than 200 feet.

D. **Edge Blocks.** Subdivisions proposed on sites with significant natural features (for example, creeks, wetlands, or natural open space) shall be designed to provide a single-loaded "frontage road" adjacent to the natural feature, rather than "backing-up" development to the feature. Proposed subdivisions that are located adjacent to the City's corporate boundary should also be designed to provide the single-loaded frontage road at the edge. See Figure 10.45.010.D: *Edge Block Treatment*, on the following page.

Figure 10.45.010.D
Edge Block Treatment



E. **Alleys.** The use of alleys is encouraged in new subdivisions, in order to provide access to units and parking and loading facilities and to improve the pedestrian orientation of primary streets by reducing or eliminating curb cuts.

Locations for the inclusion of alleys in future subdivisions and other developments shall be considered during the subdivision plan design.

F. **Gated Neighborhoods.** Gated residential developments isolate parts of the community from others, and are strongly discouraged.

G. **Natural Features.** Wetlands, existing healthy mature trees, and other obvious natural features existing on a site proposed for subdivision, should be preserved and incorporated into the project and its landscaping elements to the greatest extent feasible. Additional requirements are set forth in Title 11: *Zoning*, Chapter 11.2.25: *Base District Regulations – Open Space, Parks and Recreation Districts*; and Chapter 11.4.30: *Landscaping and Buffer Yards*.

H. **Parks and Neighborhood Open Space.** Residential subdivisions shall provide dedicated parkland or park in-lieu fees as provided in Section 10.50.010: *Park Land Dedications and Fees*.

1. **Guidelines for Park Development.** The Subdivision Technical Review Committee and the reviewing and approving authorities shall make use of the following guidelines in its review of any development within which dedicated parkland is proposed.

a. **Centrally Located.** Such facilities should be centrally located within the development and should be located at street frontages rather than behind lot lines (although alternative locations may be considered in order to take advantage of significant natural features).

b. **Incorporation of Significant Natural Features.** Where feasible, significant natural features should be incorporated into parks.

c. **Integrated with Open Space Areas.** Residential subdivisions should be designed to integrate and connect with proposed park and other open space elements (for example wetland areas) and with existing and proposed trails and pedestrian ways in the site vicinity.

§ 10.45.015 Lot Sizes.

Proposed subdivisions shall be designed to provide parcels that comply with the minimum area and dimensional requirements set forth in Title 11: *Zoning*; Part II, *Base District Regulations*; Table 11.2.05.015: *Development Standards for Residential Districts*, Table 11.2.10.015: *Development Standards – Commercial and Mixed Use Districts*, and Table 11.2.15.015: *Development Standards – Light Manufacturing and Oil Extraction Districts*.

Chapter 10.50 Dedications

§ 10.50.005 Dedications.

The City may require dedications through conditions of approval if it:

- A. Identifies the purpose for the dedication; and
- B. Demonstrates there is a reasonable relationship between the need for the dedication and the impacts arising from the subdivision.

§ 10.50.010 Park Land Dedications and Fees.

A. **Land Dedication and/or Fee Payment Required.** As a condition of Tentative Map approval, the subdivider shall dedicate land and/or pay a fee for the purpose of developing new or rehabilitating existing park or recreation facilities to serve the subdivision.

B. **Exemptions.** The provisions of this Section do not apply to industrial or commercial subdivisions, condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than 5 years old when no new dwelling units are added, or to any other subdivisions exempted by Map Act § 66477.

C. **Amount of Parkland Required.** The amount of the land to be dedicated shall be 5 acres per 1,000 residents, or a fee in lieu thereof based on the fair market value of 5 acres of land per 1,000 residents, as determined by appraisal. For purposes of determining the required fee, the term "fair market value" shall mean the market value of the land as determined by the City based on an appraisal, and approved by the City, prior to or at Tentative Map approval. Such appraisal shall be paid for by the subdivider who shall deposit with the City Engineer an amount sufficient to cover the cost of the appraisal. The City Engineer shall select a licensed appraiser. The appraisal shall be completed prior to approval of the tentative map by the City.

If the subdivider is not satisfied with the values established by the first appraisal, the subdivider may request and shall pay for the preparation of a second appraisal. The subdivider shall deposit with the City Engineer an amount sufficient to cover the cost of preparing the second appraisal. The City Engineer shall then select a second licensed appraiser to conduct the appraisal. If a second appraisal is conducted, the values established by the 2 appraisals shall be averaged and that amount shall be the value used for determining the in-lieu fee.

1. Standards.

a. The number of people estimated to reside in a subdivision shall be calculated based on 3.5 persons per single-family residence; 1.8 persons per multiple family unit or 2.0 persons per mobile home.

b. Based on the preceding, 762 square feet of land shall be dedicated for each single-family residence; 392 square feet shall be dedicated for each multiple family unit; and 436 square feet of land shall be dedicated for each mobile home. If a fee in lieu of dedication is required, the fee shall be based upon the fair market value of the amount of land prescribed above for each unit.

c. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivisions, partial credit, not to exceed 50%, may be given against the requirements of land dedication or payment of fees in lieu thereof if the City Council finds that it is in the public interest to do so, and provided that the use of the private open space is restricted for park and recreational purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successors.

2. Exception - Residential Subdivisions of 50 or Fewer Lots. For residential subdivisions of 50 or fewer lots the park land fee in lieu of dedication shall be \$10,000 per lot created by the subdivision.

D. Criteria for Requiring Dedication and Fees. In subdivisions of over 50 lots, the City may require the subdivider to dedicate both land and pay a fee, as follows:

1. Determination of Land or Fee. Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

a. The provisions of the General Plan, and any applicable specific or precise plans, and the compatibility of dedication with those plans;

b. Access, size, shape and the location of land in the subdivision available for dedication;

c. Feasibility of dedication; and

d. Availability of previously acquired park property.

2. **Fees Only.** Only the payment of fees shall be required in subdivisions of 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required even though the number of actual parcels may be less than 50.

3. **Procedure for Determining Land or Fee.** The City shall determine whether the subdivider shall dedicate land, pay in-lieu fees, or provide a combination of both, at the time of Tentative Map approval. The determination of the City shall be based on a report and recommendation from the Director and City Engineer. The recommendation by the Director and City Engineer, and the action of the City, shall consider the factors in Subsection D.1 above, and shall include the following:

- a. The amount of land required;
- b. Whether a fee shall be charged in lieu of land;
- c. Whether land and a fee shall be required, and/or that a stated amount of credit be given for private recreation facilities;
- d. The location and suitability of the park land to be dedicated or use of in-lieu fees; and
- e. The approximate time when development of the park or recreation facility shall commence.

The determination of the City as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

4. **Formula for Land and Fees.** When both land dedication and fee payment are required, they shall be subject to the following formula:

a. When only a portion of the land to be subdivided is proposed in the General Plan or applicable Specific Plan as the site for a local park, that portion shall be dedicated for local park purposes, and a fee computed as provided by Subsection C shall be paid for any additional land that would have been required to be dedicated by Subsection C.

b. When a major part of the local park or recreational site has been acquired by the City and only a small portion site, the remaining portion shall be dedicated, and a fee computed as provided by Subsection C shall be paid in an amount equal to the value of the land that would otherwise

have been required to be dedicated by Subsection C. The fees shall be used for the improvement of the existing park or recreational facility serving the subdivision.

5. **Credit for Improvements.** If the subdivider provides park and recreational improvements on dedicated land, the value of the improvements together with any installed equipment shall be a credit against the required fees or land.

6. **Credit for Private Recreation or Open Space.** Where a substantial private park and recreational area is provided in a proposed subdivision, and will be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed 50 percent, may be given against the requirement of land dedication or payment of fees in lieu thereof if the City finds all of the following:

a. Yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of the private open space;

b. The private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyances, or restrictions;

c. The use of the private open space is restricted for park and recreational purposes by recorded covenants, which run with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City;

d. The proposed private open space is usable for active recreation; and

e. Facilities proposed for the private open space are in substantial compliance with the provisions of the Open Space/Recreation/Conservation Element of the General Plan.

E. **Suitability of Land to be Dedicated.** Each park site proposed for dedication in compliance with this Section shall be physically suited for the intended use.

1. Land which is made part of a park site for subdivision design purposes, but which is physically unsuited for park use, shall not be considered when calculating the area of the park site provided in compliance with this Section. The park space provided shall be calculated from the road rights-of-way

and interior property lines abutting the site, and not from any abutting roadway centerline.

2. If the Council determines that any of the land proposed to be dedicated is not suitable for park use, it may reject all or any portion of the land offered, and in that event the subdivider shall instead pay a fee in compliance with Subsection D, above.

F. Conveyance of Land, Payment of Fees. Real property being dedicated for park purposes shall be conveyed by the Parcel or Final Map in fee simple absolute, to the City by the subdivider, free and clear of all encumbrances except those which, in the opinion of City Attorney, will not interfere with use of the property for park and recreational purposes, and which the Council agrees to accept. The amount of required fees shall be deposited with the City at the time of submittal of a Parcel or Final Map. The fees shall be held by the City until the map is recorded, or the time for recordation expires. The subdivider shall provide all fees and instruments required to convey the land, and insurance approved by the City Attorney in favor of the City in an amount equal to the value of the land.

G. Use of Collected Fees. Fees collected in compliance with this Section shall be used only for the purpose of providing new or rehabilitating existing park or recreational facilities reasonably related to serving the proposed subdivision. Any fees collected shall be committed within 5 years after payment, or issuance of building permits on three-fourths of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

§ 10.50.015 Reservations of Land.

The City may require the subdivider to reserve sites appropriate in area and location for parks, recreational facilities, fire stations, libraries or other public uses, as follows.

A. Standards for Reservation of Land.

1. **Location of Land.** Where a park, recreational facilities, fire station, library, or other public use is shown in the General Plan or applicable specific or precise plan, the subdivider may be required by the City to reserve sites as determined by the City in compliance with the standards in the applicable plan.

2. **Configuration.** The reserved area shall be of a size and shape that will permit the balance of the property to develop in an orderly and

efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically infeasible. The land to be reserved shall be in multiples of streets and parcels that will permit an efficient division of the reserved area if it is not acquired within the period determined by Subsection B.

B. Procedure for Reservation of Land. The public agency for whose benefit an area has been reserved shall at the time of approval of the Parcel or Final Map enter into a binding agreement with the subdivider to acquire the reserved area within 2 years after the completion and acceptance of all improvements, unless a longer time is authorized by mutual agreement.

C. Purchase Price of Reserved Land. The purchase price shall be the market value of the land at the time the Tentative Map is filed, plus the property taxes against the reserved area from the date of the reservation, and any other costs incurred by the subdivider in maintaining the reserved area, including interest costs incurred on any loan covering the reserved area.

D. Termination of Reservation. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in Subsection B, the reservation shall automatically terminate.

§ 10.50.020 Right-of-Way Dedications.

A. Offers of Dedication Required. A subdivider shall dedicate or make an irrevocable offer of dedication in fee simple of all land within the subdivision that is determined by the City to be needed for public and private streets and alleys, including access rights and abutters' rights; drainage; public and private greenways; scenic easements, public utility easements; and any other necessary public and private easements.

B. Improvements. The subdivider shall construct or agree to construct all improvements approved or required for the subdivision, including access rights and abutters' rights, in compliance with the City's improvement standards.

C. Rights-of-Way, Generally. Rights-of-way shall be of sufficient size to accommodate the required improvements. In addition, where parcels front on a City-maintained road of insufficient width as determined by the City Engineer, or when the existing right-of-way is not deeded, the subdivider shall dedicate right-of-way sufficient for the ultimate facility.

D. Bicycle Paths. Any subdivider who is required to dedicate roadways to the public, may be required to dedicate additional land for bicycle

paths for the use and safety of the residents of the subdivision, if necessary to offset impacts otherwise associated with the subdivision.

E. Transit Facilities. Dedications in fee simple or irrevocable offers of dedication of land within the subdivision will be required for local transit facilities including bus turnouts, benches, shelters, landing paths and similar items that directly benefit the residents of the subdivision if:

1. The subdivision as shown on the Tentative Map has the potential for 200 dwelling units or more if developed to the maximum density shown in the General Plan; and

2. The City finds that transit services are or will, within a reasonable time period, be available to the subdivision.

F. Alternative Transportation Systems. Whenever the subdivision falls within an area designated for the development of bikeways or other alternative transportation systems in the General Plan, applicable specific or precise plan, or implementing legislation, the subdivider shall dedicate land as is necessary to provide for these alternative transportation systems.

§ 10.50.025 School Site Dedications.

A. Dedication Requirement. In compliance with Map Act § 66478, a subdivider may be required to dedicate land as the City determines to be necessary for adequate elementary school facilities for the residents of the subdivision. Dedication may be required only if the subdivider and/or successors in interest to the property:

1. Have owned the land being subdivided for less than 10 years before filing the Tentative Map; and

2. Develop, or complete the development, of a subdivision of more than 400 dwelling units within a single school district, within a period of 3 years or less.

B. Tentative Map Approval. If the school district responds to the referral of the Tentative Map application with a report to the City describing the land the district deems necessary and suitable to provide adequate elementary school service to residents of the proposed subdivision, the City shall require the dedication of land as a condition of approval of the Tentative Map. As required by Map Act § 66478, the dedication requirement shall not make development of the remaining land held by the subdivider economically infeasible, or exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

C. Timing of Dedication. The required dedication may occur before, concurrently with, or up to 60 days after the recordation of a Final Map on any portion of the subdivision. If the school district accepts the dedication, the district shall pay the subdivider the amounts required by Map Act § 66478, and shall record the certificate required by Map Act § 66478.

D. Termination of Dedication Requirement. The requirement of dedication shall automatically terminate unless, within 30 days after the requirement is imposed by the City, the school district makes a binding commitment to the subdivider agreeing to accept the dedication at any time before the construction of the first 400 dwelling units. Upon acceptance of the dedication, the school district shall repay to the subdivider and/or successors the costs specified in Business and Professions Code § 11525.2.

E. Reversion of Land, Repurchase. Should the school district find itself unable to accept the dedication for reasons other than specified in the commitment with the subdivider, the dedicated land shall revert to the subdivider. If the dedication is accepted and the school district within 10 years from the date of acceptance offers the property or any substantial part thereof for public sale, the subdivider shall have the first option to repurchase the property for the price paid by the district, plus a sum equal to the amount of property taxes which would have been paid during the period of public ownership.

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Chapter 10.55 Improvement Plans and Agreements

§ 10.55.005 Improvement Plans.

After the approval of a Tentative Map, the subdivider shall diligently proceed to complete any improvements necessary to fulfill the conditions of approval. Improvement shall be defined as any infrastructure including streets, storm drains, sewers, water facilities, utilities, site grading and similar items. Before the construction of any improvements, the subdivider shall submit plans to the City Engineer as follows:

A. Preparation and Content. Improvement plans shall be prepared by a California registered civil engineer. Improvement plan submittals shall include the following information:

1. Any drawings, specifications, calculations, design reports and other information required by the City Engineer;
2. Grading, drainage, erosion and sediment control;
3. The improvement plan checking fees as set forth in the Master Fee Schedule;
4. The final map of the subdivision.

B. Submittal of Plans. The subdivider shall submit Improvement plans to the City Engineer and other reviewing agencies for review and action. Upon the approval of improvement plans in compliance with Subsection C, the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements, based on guidelines provided by the City Engineer.

C. Review and Action. The City Engineer shall review and act on Improvement plans within the time limits provided by Map Act § 66456.2.

D. Effect of Approval. The subdivider must obtain final approval of improvement plans before obtaining City approval of the Parcel or Final Map. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

§ 10.55.010 Installation of Improvements.

A. Timing of Improvements. The subdivider shall construct or install required improvements after obtaining City approval of improvement plans in

compliance with Subsection 10.55.005.C: *Review and Action*, and before the approval of a Parcel or Final Map, except where:

1. Improvements are deferred in compliance with Section 10.55.015: *Improvement Agreements and Security*; or

2. Improvements are required as conditions on the approval of a subdivision of 4 or fewer lots, in which case construction of the improvements shall be required:

a. Only when a permit for development of an affected parcel is issued by the Director; or

b. At the time the construction of the improvements is required in compliance with an agreement between the subdivider and the City, as set forth in Section 10.55.015: *Improvement Agreements and Security*; or

c. At the time set forth in a condition of approval, when the City finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.

B. Inspection of Improvements. The construction and installation of required subdivision improvements shall occur as follows.

1. **Supervision.** Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the City. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required.

2. **Inspection Procedures.**

a. **Inspections Required.** The City Engineer shall make any inspections as deemed necessary to ensure that all construction complies with the approved improvement plans. The developer shall pay the full cost of any inspection services determined to be necessary by the City Engineer. The City shall collect an initial deposit and invoice the developer for inspection services at appropriate times during the period of construction of the improvements.

b. **Access to Site and Materials.** The City Engineer shall have access to the work site at all times during construction, and shall be

furnished with every reasonable facility for verifying that the materials and workmanship are in compliance with the approved improvement plans.

c. **Authority for Approval.** The work done and all materials furnished shall be subject to the inspection and approval of the City Engineer. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.

d. **Improper Work or Materials.** Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the City Engineer. In the event that the City Engineer determines that subdivision improvements are not being constructed as required by the approved plans and specifications, he or she shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume work. Any work done after issuance of a stop work order shall be a violation of this Title.

3. **Notification.** The subdivider shall notify the City Engineer upon the completion of each stage of construction as outlined in this Chapter, and shall not proceed with further construction until authorized by the City Engineer.

§ 10.55.015 Improvement Agreements and Security.

A subdivider may file a Parcel or Final Map before completion of all the improvements required by this Title and conditions of approval of the Tentative Map, only if the subdivider first obtains Council approval of a subdivision improvement agreement and provides the City performance security as required by this Section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act.

A. **Contents of Improvement Agreement.** A subdivision improvement agreement shall be submitted on a form provided by the City Engineer and approved by the City Attorney and shall include the following provisions:

1. **Description of Improvements.** A description of all improvements to be completed by the subdivider, with reference to the approved subdivision improvement plans.

2. **Time Limit for Construction.** The period within which all required improvements will be completed to the satisfaction of the City Engineer.

3. **Completion by City Provision.** A provision that if the subdivider fails to complete all required improvements within the specified time, the City may elect to complete the improvements and recover the full cost and expenses thereof from the subdivider or the surety, including all attorney fees and legal costs associated with enforcement of the agreement.

4. **Surety Requirement.** The requirement that the subdivider furnish security to insure full and faithful performance and to insure payment to laborers and material suppliers, as specified in Subsection B. The amount of surety shall be based on an engineer's cost estimate submitted by the subdivider as provided by Section 10.55.010.B: *Inspection of Improvements* and approved by the City Engineer. The total cost of improvements to be guaranteed shall be as provided in the approved engineer's cost estimate.

5. **Phased Construction.** Provisions for the construction of improvements in units, at the option of the subdivider, if applicable.

6. **Time Extensions.** Provisions for an extension of time under conditions specified therein, at the option of the subdivider, consistent with the requirements of Subsection C.

B. **Security Required to Guarantee Improvements.** A subdivision improvement agreement or a subdivision road maintenance and repair agreement shall be secured by adequate surety in a form approved as to form and sufficiency by the City Attorney, as follows:

1. **Type of Security.** Subdivision improvement agreements shall be secured by all of the following:

a. A guarantee for "Faithful Performance," in the amount of 100 percent of the engineer's estimate;

b. A guarantee for "Materials and Labor," in the amount of 100 percent of the engineer's estimate;

c. A 1-year guarantee and warranty for work in the amount of 10 percent of the engineer's estimate.

2. **Form of Security.** The required surety shall consist of 1 or more of the following forms selected by the City Engineer for the full amounts specified in Subsection B.1 above.

a. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public moneys;

b. A bond or bonds executed by 1 or more duly authorized corporate sureties;

c. An instrument of credit from an agency of the state, federal, or local government when any said agency provides at least 20 percent of the financing for the act or agreement requiring security or from 1 or more financial institutions subject to regulation by the State or Federal government pledging that funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or a letter of credit issued by such a financial institution;

d. A lien upon the property to be divided, created by contract between the owner and the City, where the City finds that it would not be in the public interest to require the installation of the required improvement sooner than 2 years after the recordation of the Map; or

e. Any form of security, including security interests in real property, that is acceptable to the City.

C. Time Extensions. The Council may extend the time for completion of improvements governed by a subdivision improvement agreement only if:

1. **Public Works Report.** The City Engineer notifies the Council that either the subdivider is proceeding to do the work required with reasonable diligence or is not yet ready to develop the subdivision, and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.

2. **Agreement by Sureties.** The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety, or if recommended by the City Engineer, at an increased amount.

D. Council Conditions of Approval. As a condition of granting a time extension, the Council may impose whatever additional requirements the Council deems reasonable to protect the public interest.

E. Acceptance of Improvements. Before acceptance for maintenance or final approval by the Council of subdivision improvements, the City Engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications.

§ 10.55.020 Soils Reports.

A. Preliminary Soils Report Required. Concurrently with submitting its improvement plans, the subdivider shall submit to the City Engineer and Building Official a preliminary soils report prepared by a registered civil engineer and based upon adequate test borings.

1. **Form of Report.** The preliminary soils report shall include a complete description of the site based on a field investigation of soils matters. The soils matters reviewed shall include stability, erosion, settlement, feasibility of construction of the proposed improvements, description of soils related hazards and problems and proposed methods of eliminating or reducing these hazards and problems.

The investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling and other earthwork, foundation design, pavement design and subsurface drainage.

The report shall also recommend any required corrective action for the purpose of preventing structural damages to the subdivision improvements and the structures to be constructed on the lots. The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.

If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, or environmental impacts, the City Engineer and Building Official may require the subdivider to submit a subsequent soils investigation of each parcel in the subdivision prior to approval of a Parcel or Final Map.

2. **Preliminary Soils Report Waiver.** The preliminary soils report may be waived if the City Engineer and the Building Official determine that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.

B. Final Soils Report. The subdivider shall submit a final soils report prepared by a registered civil engineer.

1. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.

2. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions or modifications not shown on the approved plans.

C. **Geologic Investigation and Report.** If the City Engineer or Building Official determines that conditions warrant, a geologic investigation and report may also be required.

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Chapter 10.60 Surveys and Monuments

§ 10.60.005 Survey Procedure and Practice.

The procedure and practice of all survey work done on any subdivision, whether for preparation of a Final Map or Parcel Map shall conform to the standard practices and principles of land surveying, the California Land Surveyor's Act, and the provisions of this Chapter. All related documents shall be executed by a California-registered civil engineer authorized to do land surveying or licensed land surveyor. Whenever the City Engineer has established a system of coordinates and/or monuments which is within a reasonable distance of the subdivision boundary, as determined by the City Engineer, the field survey shall be tied into the system.

§ 10.60.010 Monuments.

In surveying a subdivision, the engineer or surveyor shall set sufficient permanent monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the engineer or surveyor for all new subdivisions requiring a Parcel Map or Final Map, unless waived by the City Engineer, in compliance with this Section.

A. Boundary Monuments.

1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately 1,000 feet apart. The locations of inaccessible points may be established by ties and shall be so noted on the Final Map or Parcel Map.

2. All exterior boundary monuments shall be set prior to recordation of the Final Map or Parcel Map or as certified on the Final Map.

B. Interior Monuments. Whenever interior monuments are required, the monuments shall be set at:

1. All block and lot corners and angle points;
2. The beginnings and ends of curves;
3. Points of intersection with centerlines of other existing and proposed streets and alleys; and
4. The points of intersection with the exterior boundary lines.

C. Monument Type and Positioning. All monuments set in the course of the survey shall be as specified by the City Engineer and shall be set to the depth and in the manner prescribed by the City Engineer.

D. Identification Marks. All monuments shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.

E. Replacement of Destroyed Monuments. Any monument which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the subdivider.

F. Timing of Monument Installation. The exterior boundary of the subdivision shall be completely monumented or referenced before the Final Map or Parcel Map is submitted to the City Engineer for filing. Interior monuments need not be set at the time the Final Map or Parcel Map is filed if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes the City a bond, instrument of credit, or cash deposit in a sufficient amount to guarantee payment of the cost of setting the monuments in compliance with Map Act § 66496.

G. Notice of Completion. Within 5 days after all monuments have been set, the engineer or surveyor shall give written notice to the subdivider and the City Engineer that the final monuments have been set. Verification of payment to the engineer or surveyor shall be filed as required by Title 9, Chapter 4 of the Map Act. The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with Section 10.55.015: *Improvement Agreements and Security*. If requested, this amount of the bond may be released upon verification of the setting of the monuments by the City Engineer.

H. Inspection and Approval. All monuments shall be subject to the inspection and approval of the City Engineer.

§ 10.60.015 Survey Information on Final or Parcel Map.

The subdivider shall show the following survey information on each Final Map or Parcel Map for which a field survey was made in compliance with this Title.

A. Stakes, monuments (together with their precise position) or other evidence found on the ground, to determine the boundaries of the subdivision;

B. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record, or by section, township and range, or other proper designation;

C. All information and data necessary to locate and retrace any point or line without unreasonable difficulty;

D. The location and description of any required monuments to be set after recordation of the Final Map, and the statement that they are "to be set;"

E. Bearing and length of each lot line, block line and boundary line and each required bearing and distance;

F. Length, radius and angle of each curve and the bearing of each radial line to each lot corner on each curve;

G. The centerlines of any street or alley in or adjoining the subdivision which have been established by the City Engineer, together with reference to a map showing the centerline and the monuments which determine its position. If determined by ties, that fact shall be so stated;

H. Any other survey data or information as may be required to be shown by the City Engineer or by the provisions of this Chapter.

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